

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ED BUTOWSKY,**

**Plaintiff,**

**v.**

**DAVID FOLKENFLIK, ET AL.,**

**Defendants.**

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**CIVIL ACTION NO.**

**4:18-CV-00442-ALM**

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**DECLARATION OF LAURA LEE PRATHER IN SUPPORT OF DEFENDANTS'  
SUR-REPLY TO PLAINTIFF'S MOTION FOR  
LEAVE TO FILE THIRD AMENDED COMPLAINT**

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I, Laura Lee Prather, hereby declare pursuant to 28 U.S.C. § 1746:

1. My name is Laura Lee Prather. I am over the age of twenty-one (21) years and am fully competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am a partner at the law firm of Haynes and Boone, LLP and lead counsel for Defendants in the above-captioned lawsuit.

3. Attached to this Declaration as Exhibit A-1 is a true and correct copy of a post written by Ty Clevenger on the blog *LawFlog* entitled "Why won't Seth Rich's brother authorize Wikileaks to tell what it knows?" dated June 11, 2018.

4. Attached to this Declaration as Exhibit A-2 is a true and correct copy of email correspondence from Ty Clevenger to Bill Binney, Kirk Wiebe and Ed Butowsky ("Butowsky") dated June 27, 2019. This exchange was excerpted from a document produced by William Binney



in response to Defendants' subpoena and subsequently produced to Plaintiff bearing Bates number BINNEY-00009.

5. Attached to this Declaration as Exhibit A-3 is a true and correct copy of email correspondence from Butowsky to Rod Wheeler ("Wheeler") dated May 16, 2017. This document was produced by Wheeler in *Rich v. Butowsky* Case No. 1:18-cv-00681-RJL (D.D.C) (the "*Aaron Rich* Case") and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range WHEELER0000348-49.

6. Attached to this Declaration as Exhibit A-4 is a true and correct copy of Docket Entry Number 54-1, Defendant Ed Butowsky's Motion to Dismiss in *Joel & Mary Rich v. Fox News, et al.*, Civil Action No. 1:18-cv-2223 pending in the U.S. District Court, Southern District of New York.

7. Attached to this Declaration as Exhibit A-5 is a true and correct copy of email correspondence between Butowsky and Joel Rich from March 3, 2017 in which Butowsky sends Rich the agreement for Wheeler. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 0000473-476.

8. Attached to this Declaration as Exhibit A-6 is a true and correct copy of email correspondence between Joel Rich and Butowsky from February 28, 2017 through March 3, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 0000978-80.

9. Attached to this Declaration as Exhibit A-7 is a true and correct copy of email correspondence between Butowsky and Joel Rich dated March 3-5, 2017. This document was



produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 0000456-57.

10. Attached to this Declaration as Exhibit A-8 is an excerpt of an iMessage conversation between Butowsky Rod Wheeler dated March 6, 2017. This document was produced by Wheeler and bears Bates number WHEELER-00000903.

11. Attached to this Declaration as Exhibit A-9 is a true and correct copy of email correspondence from Joel Rich to Butowsky dated March 14, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 0000574.

12. Attached to this Declaration as Exhibit A-10 is a true and correct copy of email correspondence between Joel Rich and Butowsky dated March 12-13, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 0000910.

13. Attached to this Declaration as Exhibit A-11 is a true and correct copy of email correspondence from Butowsky to Malia Zimmerman ("Zimmerman"), Wheeler, and Adam Housley dated March 29, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number WHEELER 0000177.

14. Attached to this Declaration as Exhibit A-12 are true and correct copies of email correspondence involving Wheeler, Zimmerman, and Butowsky. These communications were produced by Wheeler in response to Defendants' subpoena and bear Bates numbers WHEELER 00000039, 47-49, 98-100, 159-61, and 182.



15. Attached to this Declaration as Exhibit A-13 is a true and correct copy of email correspondence from Butowsky to Wheeler dated April 23, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 0000068.

16. Attached to this Declaration as Exhibit A-14 is a true and correct copy of email correspondence from Butowsky to Zimmerman and Wheeler date March 8, 2017, in which Butowsky instructs Zimmerman and Wheeler not to contact Sy Hersh dated March 8, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 0000442-43.

17. Attached to this Declaration as Exhibit A-15 is a true and correct copy of a text message exchange between Butowsky, Wheeler, and Kash Patel (aka Dee O.) dated April 27, 2017–May 4, 2017. This document was produced by Wheeler and bears Bates number range WHEELER 00000877-80.

18. Attached to this Declaration as Exhibit A-16 is a true and correct copy of a text message exchange between Butowsky, Wheeler, and Kash Patel (aka Dee O.) dated April 27, 2017 through May 4, 2017. This document was produced by Wheeler in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range WHEELER 00000940-41.

19. Attached to this Declaration as Exhibit A-17 is a true and correct copy of email correspondence from Butowsky to Zimmerman and Wheeler dated March 13, 2017 enclosing background information on Seth Rich's girlfriend, Kelsey Mulka, and her parents. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 0000061-62.



20. Attached to this Declaration as Exhibit A-18 is a true and correct copy of email correspondence between Butowsky and Zimmerman in which Butowsky says: "Let's see if Kelsey has something for us" dated March 30, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 0000066.

21. Attached to this Declaration as Exhibit A-19 is a true and correct copy of email correspondence from Butowsky to Sy Hersh inviting Hersh to lunch dated April 20, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 0000296.

22. Attached to this Declaration as Exhibit A-20 is a true and correct copy of email correspondence between Butowsky and Sy Hersh dated May 5, 2017 in which Hersh corrects Butowsky on his mistaken assumptions about their prior conversation. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 0000992.

23. Attached to this Declaration as Exhibit A-21 is a true and correct copy of email correspondence between Butowsky and Sy Hersh dated June 2, 2017 in which Hersh corrects Butowsky on his mistaken assumptions about their prior conversation. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 0000871.

24. Attached to this Declaration as Exhibit A-22 is a true and correct copy of email correspondence between Butowsky and Sy Hersh, dated June 2, 2017 through June 27, 2017, in which Butowsky asks Hersh for the name of his alleged source. This document was produced by



Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 0000869.

25. Attached to this Declaration as Exhibit A-23 is a true and correct copy of email correspondence dated March 4, 2017 with a draft of an article including quotes from Wheeler that had yet to be confirmed (“He might want some of these to not be attributed to him”). This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 0000340-43.

26. Attached to this Declaration as Exhibit A-24 is a true and correct copy of email correspondence from Zimmerman to Butowsky and Wheeler dated May 11, 2017 in which Zimmerman asks Butowsky and Wheeler to “ask your sources” a list of questions for confirmation prior to reporting in the Fox News article dated May 11, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 00001180.

27. Attached to this Declaration as Exhibit A-25 is a true and correct copy of email correspondence from Butowsky to Fox News executives, producers and on-air talent claiming to “actually [be] the one who’s been putting [the Seth Rich story] together” dated May 15, 2017. This document was produced by Wheeler in response to Defendants’ subpoena and bears Bates number range WHEELER00000493-99.

28. Attached to this Declaration as Exhibit A-26 is a true and correct copy of email correspondence between Butowsky and Zimmerman dated May 15, 2017 in which Butowsky suggests adding Donna Brazile into the Fox News article or doing a separate Donna Brazile article dated May 15, 2017. This document was produced by Butowsky in the *Aaron Rich* Case and



subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 00000953-58.

29. Attached to this Declaration as Exhibit A-27 is a true and correct copy of email correspondence between Zimmerman and Greg Wilson dated May 18-19, 2017. In it, Zimmerman explains the NSA source is speaking with Butowsky, and Wilson explains why the story is flawed. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 000001044-45.

30. Attached to this Declaration as Exhibit A-28 is a true and correct copy of the Declaration of Edward Butowsky, Docket Entry 32-1 in the action *Clevenger v. U.S. Dep't of Justice, et al.*, Case No. 1:18-cv-1568-LB (E.D.N.Y. Sept. 17, 2019).

31. Attached to this Declaration as Exhibit A-29 is a true and correct copy of email correspondence between Butowsky and Zimmerman dated May 19-20, 2017 in which Butowsky drafts statement for Fox News to issue in response to Rich family's complaints about the article. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 000001089-94.

32. Attached to this Declaration as Exhibit A-30 is a true and correct copy of email correspondence between Wheeler and Butowsky dated May 20, 2017 in which Wheeler states: "I just noticed 'my response' posted on your Facebook page ... I never approved of this 'response.'" This document was produced by Wheeler in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range WHEELER0000419-20.

33. Attached to this Declaration as Exhibit A-31 is a true and correct copy of email correspondence between Butowsky and Admiral James Lyons dated February 24-25, 2018 in which Butowsky asks to write an OpEd for Lyons to submit to the *Washington Times*. This



document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 0001132-33.

34. Attached to this Declaration as Exhibit A-32 is a true and correct copy of email correspondence between Butowsky and Admiral James Lyons dated February 26, 2018 with draft Butowsky wrote entitled "Open Letter to Attorney General Sessions." This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 0000370-71.

35. Attached to this Declaration as Exhibit A-33 is a true and correct copy of email correspondence between Butowsky and Admiral James Lyons dated February 26, 2018. In it, Lyons says he has made a few changes because the *Times* will not print 'open letters' and asks Butowsky for sources to substantiate claims made about the murder of Seth Rich. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number range BUTOWSKY 0001036-38.

36. Attached to this Declaration as Exhibit A-34 is a true and correct copy of email correspondence from Admiral James Lyons to Butowsky dated February 28, 2018. In that email, Lyons asks Butowsky to review a draft OpEd piece now because it will be submitted to the *Times* in the next 30 minutes. This document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 0000835.

37. Attached to this Declaration as Exhibit A-35 is a true and correct copy of email correspondence between Butowsky and Jim Hoft dated February 13, 2019 in which Butowsky forwards "proof" that "emails were download[ed] to a thumb drive (Seth rich maybe)." This



document was produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich bearing Bates number BUTOWSKY 000001413.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 23rd day of March, 2020, in Austin, Texas.

  
LAURA LEE PRATHER



# EXHIBIT A-1



# LawFlog

Because some people just need a good flogging

Contact

## Why won't Seth Rich's brother authorize Wikileaks to tell what it knows?

June 11, 2018 by Ty Clevenger

It's time to call somebody's bluff.

On May 30, 2018, I asked lawyers representing Aaron Rich to authorize Wikileaks, Julian Assange, and Kim Dotcom to reveal what they know about payments to Mr. Rich or his brother, murdered Democratic National Committee employee Seth Rich. Those lawyers have been stonewalling ever since.

As you may recall, Mr. Rich [sued my client](#), Ed Butowsky, as well as *The Washington Times*, *America First Media*, and Matt Couch, in D.C. federal court on March 26, 2018, claiming they defamed him with allegations that he and his brother orchestrated leaks from the DNC to Wikileaks in exchange for cash.



Seth Rich

It seemed obvious to me that the fastest way to resolve the dispute was to authorize the people in the best position to know to tell what they know, hence my request that Mr. Rich authorize Wikileaks, et al. to speak freely. Apparently that idea struck a nerve.

On Friday evening, [The Gateway Pundit](#), [LawAndCrime.com](#), and [Worldnetdaily](#) broke the news that Mr. Rich's lawyers had subpoenaed the Twitter records – including direct messages

– of a number of right-leaning publications and authors. To the gullible masses, it might seem like Mr. Rich's attorneys are aggressively trying to find the truth. In reality, it is the exact opposite: Mr. Rich's attorneys are trying to intimidate anyone who asks inconvenient questions.

Like me, for example. My personal Twitter account was one of those covered by [the subpoena](#). In other words, Mr. Rich's lawyers tried to get the private communications of their opposing counsel by serving a subpoena on Twitter.

## SMOKE AND MIRRORS

Mr. Rich's primary attorneys are partner [Michael J. Gottlieb](#) and associate [Meryl Governski](#) of Boies Schiller Flexner, LLP, a left-wing law firm headquartered in Washington, D.C. Mr. Gottlieb served as associate counsel to President Obama, and Ms. Gottlieb is a former public relations flack for CNN. Here's the message that I first sent to Ms. Governski on May 30, 2018 at 3:14 p.m.:

*I've attached a preservation letter that I sent to eBay and PayPal, and I have also attached a proposed waiver for your client. Julian Assange / Wikileaks likely will not cooperate unless your client consents to the release of information. Please let me know if he is willing to consent. Thanks.*



Meryl Governski

Ms. Governski responded at 4:27 p.m.:

*We believe the appropriate mechanism for obtaining information from third parties is to serve subpoenas to those third parties as contemplated under the Federal Rules of Civil Procedure. Those rules do not require any advance waiver from any party in order to serve or enforce such a subpoena. If any third party has a request to make of our client as a result of a subpoena, we will address those requests directly with those third parties rather than through opposing counsel.*

At 8:12 p.m. I replied as follows:

*Yes, but as a practical matter, Julian Assange, Kim Dotcom, and Wikileaks are beyond U.S. jurisdiction. Furthermore, Assange and Wikileaks have shown that they will not be coerced into revealing the identity of their sources. It is for that reason that I am asking your client to voluntarily waive any objections to the release of such information. If you are saying your client is unwilling to do that, I think the media (and the public) will find that very interesting.*

Ms. Governski did not respond, so I sent a [letter via fax and email](#) at 7:51 a.m. on June 1, 2018 to her, Mr. Gottlieb, and a third lawyer at the firm, Randall Jackson:



*I write concerning your client's pleadings in the case identified above. According to Fed. R. Civ. P. 11(b), an attorney's signature on the pleadings is certification that he or she has performed "an inquiry reasonable under the circumstances" to determine the accuracy and propriety of those pleadings.*

*As you know, Ms. Governski and I have exchanged emails about whether your client, Aaron Rich, is willing to voluntarily authorize Wikileaks, Julian Assange, and/or Kim Dotcom to discuss any relationship that they may have had with Mr. Rich or his brother, Seth Rich. Thus far, it appears that your client is unwilling to authorize such disclosures.*

*This is very telling. On the one hand, Mr. Rich boldly denies that he and/or his brother leaked DNC emails to Wikileaks. On the other, he refuses to authorize disclosures from the witnesses who are in the best position to know who leaked those emails. That begs a question: if your client has nothing to hide, why is he hiding it?*

*Under Rule 11(b), you have a duty to answer that question. Furthermore, you should ask your client some pointed questions about what funds may have been transferred to him or his brother through eBay accounts. And you should remind him that every trip to a safe deposit box is recorded on video and preserved.*

*If the evidence leads where we expect it to lead, my client will aggressively seek sanctions against Mr. Rich and everyone else responsible for bringing meritless claims. Thank you for your attention to this matter.*

At 3:20 p.m. that afternoon, I received an email notifying me that Mr. Rich's attorneys were serving a subpoena for Twitter records, including *my* Twitter records. As of that date, they knew that I was representing Mr. Butowsky because I had previously filed a motion to appear on his behalf *pro hac vice* (and without any objection from Mr. Rich or his attorneys). At 9:32 a.m. the following morning – a Saturday morning – Mr. Gottlieb personally emailed me a *five-page rant*, apparently hoping to scare me off (hint: it didn't work).

Mr. Gottlieb defended himself and his colleagues against my purported suggestion that they had "engaged in fraud upon the court," further claiming that he would be issuing subpoenas to Wikileaks, Mr. Assange, and Mr. Dotcom. He also indicated that I would be violating the rules of the legal profession if I publicly disclosed the fact that Mr. Rich was unwilling to authorize Wikileaks, et al. to release information. On June 5, 2018, I responded by letter noting that I had never "suggested" that Mr. Gottlieb or his colleagues were involved in a fraud upon the court:

*At most, I assumed that you might not be aware of certain background information, and all of my correspondence reflects that. Your overreaction to my letter might lead reasonable people to wonder if you have a guilty conscience...*

*We both know that it will be nigh impossible to serve a subpoena on Wikileaks or Mr. Assange, who was granted asylum in the Ecuadorian embassy in London. I would hope*



Michael J. Gottlieb

*that Wikileaks would construe any such subpoena as an implied waiver of confidentiality with respect to your client, but it would be far simpler and more straightforward to authorize Wikileaks to release that information directly.*

*With regard to Seth Rich, I am well aware that a dead person cannot assert defamation claims. His estate, on the other hand, might, have standing to enforce any confidentiality agreements that he made with Wikileaks, and therein lies my concern. Your client is the legal representative of Seth's estate, which is why I have asked him to waive any such confidentiality*

*agreements. Relatedly, I request that your client consent to unsealing the probate court records for his brother's estate **[Why would an executor ask the probate court to seal the entire record of a childless, unmarried 26-year-old decedent with minimal assets?]**. At some point we will need to determine whether funds from Wikileaks were routed through that estate.*

Mr. Gottlieb never responded to that letter. On June 7, 2018, I emailed Mr. Gottlieb asking when he planned to issue the subpoenas for Wikileaks, Julian Assange, and Kim Dotcom. He has not responded, and I doubt that he will respond.

Remember, we're dealing with a former Obama White House lawyer and a former CNN flack, both of whom appear to be well-versed in the dark art of spinning a story. Among the Twitter accounts covered by the June 1, 2018 subpoena is the one belonging to Wikileaks, thus Mr. Gottlieb and Ms. Governski tried to create the appearance that they want to release relevant information about Wikileaks.

Don't believe it for a minute. For starters, the June 1, 2018 subpoena is frivolous and unenforceable. Shortly after the subpoena was made public, attorney Robert Barnes tweeted out a 2008 federal case holding that civil subpoenas cannot be used to seize communications from third-party servers. See *In re Subpoena Duces Tecum to AOL, LLC*, 550 F. Supp. 2d 606 (E.D. Va.). It's not even a close question:

*The Stored Communications Act ("SCA") unambiguously states that the contents of electronically stored communications shall not be disclosed to parties unless an enumerated exception applies. 18 U.S.C. § 2702. A civil subpoena is not an exception. See In re Facebook, Inc., 923 F.Supp.2d 1204, 1206 (N.D.Cal.2012) ("The case law confirms that civil subpoenas may not compel production of records from providers like Facebook."); Viacom Intern. Inc. v. Youtube Inc., 253 F.R.D. 256, 264 (S.D.N.Y.2008) ("[SCA] § 2702 contains no exception for disclosure of [private videos and the data which reveal their contents] pursuant to civil discovery requests."); In re Subpoena Duces Tecum*



to AOL, LLC, 550 F.Supp.2d 606, 611 (E.D. Va. 2008) (“... the statutory language of the [SCA] does not include an exception for the disclosure of electronic communications pursuant to civil discovery subpoenas.”).

*Finkle v. Howard Cty., Md.*, No. CIV. SAG-13-3236, 2014 WL 6835628, at \*2 (D. Md. Dec. 2, 2014), *aff’d sub nom. Finkle v. Howard Cty.*, 640 F. App’x 245 (4th Cir. 2016).

Furthermore, there are other (and much better) ways to communicate securely than by private Twitter message, a fact that would have been known both to Wikileaks and to Seth Rich, who was an IT professional. Aaron Rich probably knows already that neither he nor his brother sent any messages to Wikileaks via Twitter, thus it is safe for his lawyers to pretend that they are trying to reveal the truth about Wikileaks by serving an unenforceable subpoena for its private messages. At the same time, Mr. Rich refuses to authorize Wikileaks itself to release information transmitted by other methods, e.g., Protonmail or Signal. I guess they assumed that a hayseed like me wouldn’t recognize the head fake.

By 1:45 p.m. on Sunday afternoon, I received a [notice from Joshua Riley](#), another partner at Boies Schiller, that Mr. Rich was withdrawing his June 1, 2018 subpoena. Frankly, I was a little disappointed, because I had almost finished drafting a ferocious motion to quash the subpoena and sanction the attorneys who issued it.



Joshua Riley

According to Mr. Riley, his firm intends to issue a revised subpoena, so allow me to issue this unrevised warning to the Boies Schiller firm: if you creeps pull another stupid stunt like trying to subpoena my private messages, I’m asking for sanctions. Your boy Robert Mueller may have succeeded in seizing Michael Cohen’s records, but I am not Michael Cohen, I have not done anything unethical or illegal, and I doubt most judges would tolerate oily shysters who harass opposing counsel with frivolous subpoenas.

#### WHAT IS AARON RICH’S CASE REALLY ABOUT?

I’m not the first to wonder how the Rich family is paying \$1,000-per-hour law firms to carry out their litigation campaign. According to my client, he agreed to pay for a private investigator in 2016 because the family said it could not afford to hire one. So where is all the money coming from now?

The first possibility is that the firms took these cases on a contingency basis. As a general rule, Republicans and conservatives don’t know how to play offense, either politically or legally, so maybe Boies Schiller thought it could bully and intimidate the defendants into a quick settlement. As it happens, one of the attorneys representing *The Washington Times* told me

last week that the company is already negotiating a settlement with Aaron Rich (I encouraged the *Times* lawyer to **stand** firm at least until we get to the evidence).

Another source told me that the *Times's* tentative settlement amount is \$100,000. For a firm like Boies Schiller, that's chump change and not worth the time, but it virtually guarantees that the *Times* will no longer cover the Seth Rich story, just like Fox News no longer covers the story. (It's amazing what a frivolous lawsuit can accomplish).

Then there's the lawsuit that Seth Rich's parents filed against my client for defamation and intentional infliction of emotional distress. Lawyers across the political spectrum consider that lawsuit frivolous, so there's virtually no chance that a law firm would have taken that case on a contingency.

That leaves one other possibility: the Rich family's litigation campaign is being bankrolled by a third party or third parties. I believe that explanation is far more plausible, but it begs another question: why would someone want to fund these lawsuits?

Perhaps because the Democratic establishment is trying to muddy the waters. After all, major Democratic donors kept funding Christopher Steele's "investigation" after it was publicly exposed and discredited. And the Democratic National Committee sued President Trump for purportedly colluding with Russia, even as the whole Russiagate story was unraveling and even though the DNC knew the lawsuit would permit Republicans to examine the DNC's computer servers (*i.e.*, the ones that the DNC would not allow even the FBI to examine).

We also know that Obama's henchmen used the full force of the federal government to caricature Carter Page as a Russian spy, and we recently learned (1) that the Obama Administration targeted the Trump campaign as far back as 2015 and (2) British intelligence assisted American intelligence in targeting the Trump campaign.

What does that have to do with Seth Rich? Last week a retired CIA officer shared a very plausible theory with me. First, we can safely assume that American and British intelligence were monitoring Julian Assange and Wikileaks. If Seth Rich was sending DNC records to Wikileaks, the intelligence services probably would have figured that out.

So let's say the Obama Administration learned that (1) leaked emails would soon be published, and (2) they would be very damaging to Hillary Clinton, Debbie Wasserman-Schultz, and the DNC. What to do? Blame the Russians. If the Obama Administration was willing to frame Carter Page, then it would have no qualms about pointing fingers at Russia.

Remember, Seth Rich was a Bernie Sanders supporter. How bad would it look if a DNC employee aired his party's dirty laundry because he was appalled by the way that the DNC rigged the primaries in favor of Hillary? No, it would be much more expedient for the Democrats to muddy the waters by declaring themselves the victims of international espionage, particularly if they could accuse their opponent of colluding with the foreign spies.



Finally, here's another hypothetical to consider. Suppose I got a tip from London that Wikileaks could discretely transfer cash to Seth Rich by arranging a dummy sale on eBay, e.g., paying \$50,000 to a sham merchant account for a non-existent product. Would that explain why Boies Schiller wants my private communications? Because they want to figure out who my sources are?

Good luck serving a subpoena on my email server in Switzerland.

## DON'T BE A KOOK

Some of my friends have warned me to stay away from the Seth Rich case because it's too fringe, and because it will damage my credibility. I think that's exactly what Michael Gottlieb and his ilk are trying to achieve, namely to gaslight anyone who questions the official narrative. Remember, I didn't start blogging about Seth Rich until the FBI and the Justice Department [stonewalled my requests for information](#) (BTW, a hearing on my [FOIA lawsuit](#) is scheduled for June 20, 2018 in Brooklyn).

And it's not just right-wingers who are asking questions. One of the Twitter accounts subpoenaed by Boies Schiller belongs to Jared Beck, an attorney who, like me, has been involved in litigation related to Seth Rich. Jared was an ardent Bernie Sanders supporter and he is a harsh critic of President Trump, proving that you don't have to be a Trump supporter to question the official narrative, and you don't have to be a Republican to fear the deep state.

### Uncategorized

- ◀ Sgt. Tallywacker rides again — hide the women and children!
- ▶ Maryland high court whitewashes criminal misconduct of Hillary Clinton lawyers

5 Comments

Sort by Oldest

Add a comment...



**Brenda Sinclair**

WHO MURDERED SETH RICH? you would think seths family would want this question answered, clearly they already know but DNC IS BANK ROLLING THEM TO BE QUITE

Like · Reply · 5 · 1y



**Brenda Sinclair**

"WE THE PEOPLE' HAVE THE POWER OF OUR VOICES AND OUR VOTES TO VOTE OUT COME NOV 2018,THE ENTIRE LYING CORRUPT, TREASONOUS, DEMOCRAT PARTY, VOTE TO MAKE AMERICA GREAT AGAIN AND TO END ALL CORRUPTION IN WASHINGTON GOVERNMENT END THE WASHINGTON PEDOPHILIA"

Like · Reply · 3 · 1y



**Dean Lyall**

BS

Like · Reply · 1y



**Rosa-Shoshana Mintz-Urquhart**

All very compelling and creditable. I was a marching, rallying supporter at The Freedom for Julian Assange Rally last Tues June 19,2018 held in front of The British Embassy in Wash, DC from 4:30pm - 6:30pm est

Like · Reply · 1y



**Maria Concilio**

Seymour Hersh also beleives that Seth Rich was giving Julian Assange information regarding the DNC and the voting irregularities. Seth Rich and don't forget Shawn Lucas both died because they challenged the DNC.

Like · Reply · 1 · 1y

Facebook Comments Plugin



**Ty Clevenger** says:

June 11, 2018 at 2:48 am

06/11/2018



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## About this blog

LawFlog is the blog of Ty Clevenger, a Texas attorney who lives in Brooklyn. Posts are irregular at best (and Dulcolax doesn't seem to help). You can reach Ty at tyclevenger at gmail dot com, you can follow Lawflog on Facebook or Twitter (@Ty\_Clevenger), or you can leave a voice message at 979-985-5289.

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# EXHIBIT A-2



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**From:** Ty Clevenger <[tyclevenger@yahoo.com](mailto:tyclevenger@yahoo.com)>  
**Sent:** Thursday, June 27, 2019 4:09 AM  
**To:** Kirk Wiebe  
**Cc:** Bill Binney Cell; Ed Butowsky  
**Subject:** Re: Draft subpoena for Democratic National Committee

I'm interested, but I would have to show a connection to Ed's case.

On Wednesday, June 26, 2019, 11:04:06 PM EDT, Kirk Wiebe wrote:

Ty/Ed -

Can you tell us whether anyone intends to subpoena the Intel Community, James Comey, and the FBI regarding illegal surveillance of Trump and other innocent citizens by Dennis Montgomery, CIA contractor?

It would be a huge mistake for Prosecutor John Durham, AG Barr and/or Congress (Jim Jordan and Devin Nunes) not to subpoena Montgomery to investigate his claims, including why then DNI Negroponte invoked the State Secrets Act against Montgomery in a court case involving his activities.

Very best regards,

Kirk Wiebe

On Jun 26, 2019, at 22:15, Larry Johnson <[lcjohnson1@me.com](mailto:lcjohnson1@me.com)> wrote:

The only thing I would add is "Who was the network administrator or administrators for the DNC server/servers?" I'm told it was Imran Awan.

LJ

On Jun 26, 2019, at 6:06 PM, Ty Clevenger <[tyclevenger@yahoo.com](mailto:tyclevenger@yahoo.com)> wrote:

Gentlemen,

I've attached a draft subpoena to the DNC for information related to Seth Rich. I'm working on a similar draft for Crowdstrike. Suggestions welcome!

Ty Clevenger

# EXHIBIT A-3



**From:** ebutowsky@gmail.com  
**To:** Rod Wheeler <rod@rodwheeler.com>  
**Subject:** No Subject  
**Date:** May 16, 2017 at 11:53:00 AM EDT

You might print off and sign your name then take a picture of it and send it to wherever it needs to be. I think that would be a very very smart idea.

Capitol Investigations at Rod Wheeler Representative Agreement  
6710 Quon Hill Rd. Suite 210  
National Harbor, MD 20745  
Ph. (202) 805-8001  
www-4capitol.com

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Client: Joel Rich, Mary Rich, Aaron Rich  
Case: Murder of Seth Rich  
MEMORANDUM TO: 11.2.17

Joel Rich, Mary Rich, and Aaron Rich hereinafter referred to as "Client" do hereby agree to retain the services of Capitol Investigations at Rod Wheeler Private Investigation Consultants, which maintains its offices at 6710 Quon Hill Rd., Suite 210, National Harbor, MD 20745, for consultation and information gathering on behalf of the immediate family of Seth Rich on the following matter:

- Interview and investigate with regards to the official police investigation surrounding the death of Seth Rich. The representation shall not include media representation, unless otherwise permitted by the Client in writing.
- Granted rights and privileges as that of immediate family members of Seth Rich, with discussions with investigating agencies, i.e. Metropolitan Police Department and the FBI

Capitol Investigations agrees to use its best efforts to investigate the matters set forth and perform the services for which it is being retained. Capitol Investigations makes no express warranties, assurances or guarantees with regards to the work that they will complete. Furthermore, the compensation payable to Capitol Investigations by the third party pursuant to this agreement are not in any way contingent upon or related to the results of the services performed or the information and details which are developed during the course of the investigation.

Capitol Investigations will not retain any additional clients in relation to the murder of Seth Rich. Capitol Investigations will not perform additional services (outside the scope of this agreement) that are related to the murder of Seth Rich.

This agreement shall be terminated immediately upon either party giving written notice to the other party.

Client further agrees to defend, indemnify and hold Capitol Investigations and/or its agents and employees harmless from any and all action, courses of action, claims, damages and demands of whatever type arising directly or indirectly from the services Capitol Investigations are being retained to perform pursuant to this agreement. The Client may, however, take actions against Capitol Investigations and/or its agents or employees for representations made to the media in violation of this agreement.

Capitol Investigations, LLC  
6710 Quon Hill Road, Suite 210  
National Harbor, MD 20745  
(202) 805-8001

RW  
R

This agreement shall be binding upon Client's heirs, administrators, executors, successors, and assigns.

This agreement shall be construed and interpreted in accordance with the laws of the State of Maryland. If any portion of this agreement is determined to be invalid or unenforceable, the remainder of the agreement shall continue in full force and effect.

Information developed and submitted by Capital Investigations LLC and proposed to Client as Client's authorized representative shall be treated as strictly confidential and not released or disclosed to any third party without the prior written authorization of Capital Investigations. Capital Investigations shall not release any information regarding the investigation, including but not limited to findings, working theories or path forward to any third party without prior authorization by Client, unless that third party is an investigating agency, i.e. Metropolitan Police Department and the FBI.

Any and all compensation or fees associated with the investigation and this agreement shall be paid by the "third party," in accordance with agreements made between Capital Investigations and the third party. Should any action involved in the investigation create a fee outside of the agreement or should the third party fail to pay fees, the Client is not responsible and will not be responsible for paying any fees, including outstanding balances.

This agreement constitutes the entire agreement between the parties with respect to the services to be provided by Capital Investigations pursuant to this agreement. There are no other agreements, express, implied, written, oral or otherwise, except as expressly set forth herein. This agreement may only be modified in writing signed by both parties.

Date:

3-11-17

Client:

*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

Client:

Capital Investigations, LLC By

Capital Investigations, LLC  
 6710 Ocean Hill Road, Suite 210  
 National Harbor, MD 20745  
 (202) 905-8201

em:score MessageHeader:07566065d0 Message-ID: 512C5A5-4B62-4E72-91B1-3B82718F34@gmail.com From: malcore Address: 07566065d0 <ebutwky@gmail.com> To: [malcore Address: 07566065d0 Rod Wheeler <rod@rodwheeler.com>] Return-Path: <ebutwky@gmail.com> Content-Type: multipart/mixed; boundary=Apple-Mail-5903E7B-F7B1-45DB-A9C4-6184642692 X-Received: by 10.157.1.195 with SMTP id e61m6720350a234.1494995497 Tue, 16 May 2017 08:53:05 -0700 (PDT) X-Original-Message-Id: ACC0e0c02578B8A3D1WHYCMaWpYlQwQY3XIHedM04eYwGy OnQyW07pypEVpveT8w=X-Nouspam: Noun X-Mailer: iPhone Mail (14504) Content-Transfer-Encoding: 7bit DKIM-Signature: v=1; s=shd256; c=relaxedrelaxed; d=apple; h=from:subject:to; b=BCgOQZ7AaSD1UUXZ2fWuakTfG6aCk35p8CQ6wH4dL8C3Y8CW0QK9z8 x8u8UwKJ3LOm3M6RQ6M8FQUMaC6ALPwP6kneH8A5yJ6k0k0r76UuLW8vR6e07P0UaC3d8pexOnfYHs3003g6MpoC3d2HJMK6eCU0Y0pyp08 H2nSRuAKD80lyQ8 @ueJL289F76vVP+4e8HARMLaMk80R8XV7LWymXDR LYN9J0J0uYIA3X43NLD6edYVQRUQeHJL8NpeNLCRAv8d8VQe8gBUICM6 o7HA= Received: (qmail 1036) invoked by uid 30297; 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# EXHIBIT A-4



## EXHIBIT 1

**Capitol Investigations/Rod Wheeler Representative Agreement**

6710 Oxon Hill Rd. Suite 210  
National Harbor, MD 20745  
Ph. 202.805.8001  
www.4capitol.com

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**Client: Joel Rich, Mary Rich, Aaron Rich**  
**Case: Murder of Seth Rich**  
**MPD CCN#16-113-797**

Joel Rich, Mary Rich, and Aaron Rich hereinafter referred to as "Client" do hereby agree to retain the services of Capitol Investigations/Rod Wheeler Private Investigation Consultants, which maintains its offices at 6710 Oxon Hill Rd., Suite 210, National Harbor, MD. 20745, for consultation and information gathering on behalf of the immediate family of Seth Rich on the following matter:

- Interview and investigate with regards to the official police investigation surrounding the death of Seth Rich. The representation shall not include media representation, unless otherwise permitted by the Client in writing.
- Granted rights and privileges as that of immediate family members of Seth Rich, with discussions with investigating agencies, i.e. Metropolitan Police Department and the FBI.

Capitol Investigations agrees to use its best efforts to investigate the matters set forth and perform the services for which it is being retained. Capitol Investigations makes no express warranties, assurances or guarantees with regards to the work that they will complete. Furthermore, the compensation payable to Capitol Investigations by the third party pursuant to this agreement are not in any way contingent upon or related to the results of the services performed or the information and details which are developed during the course of the investigation.

Capitol Investigations will not retain any additional clients in relation to the murder of Seth Rich. Capitol Investigations will not perform additional services (outside the scope of this agreement) that are related to the murder of Seth Rich.

This agreement shall be terminated immediately upon either party giving written notice to the other party.

Client further agrees to defend, indemnify and hold Capitol Investigations and/or its agents and employees harmless from any and all action, courses of action, claims, damages and demands of whatever type arising directly or indirectly from the services Capitol Investigations are being retained to perform pursuant to this agreement. The Client may, however, take actions against Capitol Investigations and/or its agents or employees for representations made to the media in violation of this agreement.

Capitol Investigations, LLC  
6710 Oxon Hill Road, Suite 210  
National Harbor, MD 20745  
(202) 805.8001

*Handwritten signatures:*  
RWR  
BR  
JWR

This agreement shall be binding upon Client's heirs, devisees, legatees, administrators, executors, successors, and assignees.

This agreement shall be construed and interpreted in accordance with the laws of the State of Maryland. If any portion of this agreement is determined to be invalid or unenforceable, the remainder of the agreement shall continue in full force and effect.

All information developed and submitted by Capitol Investigations LLC and provided to Client or Client's authorized representative shall be treated as strictly confidential and not released or disclosed to any third party without the prior written authorization of Capitol Investigations. Capitol Investigations shall not release any information regarding the investigation, including but not limited to findings, working theories or path forward to any third party without prior authorization by Client; unless that third party is an investigating agency, i.e. Metropolitan Police Department and the FBI.

Any and all compensation or fees associated with the investigation and this agreement shall be paid by Mr. Ed Butowsky, the "third party," in accordance with agreements made between Capitol Investigations and Mr. Ed Butowsky. Should any action involved in the investigation create a fee outside of this agreement, or should Mr. Ed Butowsky fail to pay fees, the Client is held harmless and will not be responsible for paying any fees, including outstanding balances.

This agreement constitutes the entire agreement between the parties with respect to the services to be provided by Capitol Investigations pursuant to this agreement. There are no other agreements, express, implied, written, oral or otherwise, except as expressly set forth herein. This agreement may only be modified in writing signed by both parties.

Dated:

3-14-17

CLIENT(S):

[Signature]  
[Signature]  
[Signature]

Dated:

3/14/2017

Capitol Investigations, LLC: By:

[Signature]

Capitol Investigations, LLC  
6710 Oxon Hill Road, Suite 210  
National Harbor, MD 20745  
(202) 805.8001



# EXHIBIT A-5

**From:** ed butowsky (edbutowsky@icloud.com)  
**Sent:** Saturday, July 1, 2017 10:48:58 PM  
**To:** ed-s gmail (edbutowsky@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Fwd: From ed butowsky  
**Attachments:** Seth Rich Investigations Retainer.pdf; ATT00002.html

Sent from my iPad

Begin forwarded message:

**From:** ed butowsky <edbutowsky@icloud.com>  
**Date:** March 3, 2017 at 2:26:32 PM CST  
**To:** joelrich48@gmail.com  
**Subject:** From ed butowsky

I understand you had a nice and rather fruitful conversation with Rod Wheeler.

We are going to get to the bottom of this. Rod is simply the best .

Attached is the basic agreement for Rod. With this, he can and will aggressively get you a lot of pertinent information. I said from the beginning , I will do whatever I can to help get you and your family the knowledge of what happened.

After reading and " running it by " whomever you feel needs to see it , please sign and send back to me.

You can fax it 972.386.9285 or nowadays you can just take a picture of the document and text or email it back to me.

I am paying all bills.

Please let me know when you have sent the signed document. The moment it is received, Rod will immediately take it downtown and start his work.

You will be pleased .





## Capitol Investigations/Rod Wheeler Representative Agreement

6710 Oxon Hill Rd. Suite 210  
National Harbor, MD 20745  
Ph. 202.805.8001  
[www.4capitol.com](http://www.4capitol.com)

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**Client: Joel Rich**  
**Case: Murder of Seth Rich**  
**MPD CCN#16-113-797**

Joel Rich, hereinafter referred to as "Client" does hereby agree to retain the services of Capitol Investigations/Rod Wheeler Private Investigation Consultants, which maintains its offices at 6710 Oxon Hill Rd., Suite 210, National Harbor, MD. 20745, for consultation, media representation and information gathering on behalf of the immediate family of Seth Rich on the following matter:

- Interview, investigate and represent immediate family members of Seth Rich in any and all media contacts and with regards to the official police investigation surrounding the death of Seth Rich.
- Granted rights and privileges as that of immediate family members of Seth Rich, with discussions with investigating agencies, i.e. Metropolitan Police Department and the FBI.

Capitol Investigations agrees to use its best efforts to investigate and represent the client in matters set forth and perform the services for which it is being retained. Capitol Investigations makes no express warranties, assurances or guarantees with regards to the work that they will complete. Furthermore, the and compensation payable to Capitol Investigations by Client pursuant to this agreement are not in any way contingent upon or related to the results of the services performed or the information and details which are developed during the course of the investigation.

This agreement shall be terminated immediately upon either party giving forty-eight (48) hours written notice to the other party.

Client further agrees to defend, indemnify and hold Capitol Investigations and/or its agents and employees harmless from any and all action, courses of action, claims, damages and demands of whatever type arising directly or indirectly from the services Capitol Investigations are being retained to perform pursuant to this agreement.

This agreement shall be binding upon Client's heirs, devisees, legatees, administrators, executors, successors, and assignees.

This agreement shall be construed and interpreted in accordance with the laws of the State of Maryland. If any portion of this agreement is determined to be invalid or unenforceable, the remainder of the agreement shall continue in full force and effect.

All information developed and submitted by Capitol Investigations LLC and provided to Client or Client's authorized representative shall be treated as strictly confidential and not released or disclosed to any third party without the prior written authorization of Capitol Investigations.

This agreement constitutes the entire agreement between the parties with respect to the services to be provided by Capitol Investigations pursuant to this agreement. There are no other agreements, express,

Capitol Investigations, LLC  
6710 Oxon Hill Road, Suite 210  
National Harbor, MD 20745  
(202) 805.8001

Harb

implied, written, oral or otherwise, except as expressly set forth herein. This agreement may only be modified in writing signed by both parties.

Dated: \_\_\_\_\_

CLIENT:

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

Capitol Investigations, LLC:

By:

\_\_\_\_\_

Harb

Capitol Investigations, LLC  
6710 Oxon Hill Road, Suite 210  
National Harbor, MD 20745  
(202) 805.8001

# EXHIBIT A-6



**From:** joel rich (joelrich48@gmail.com)  
**Sent:** Friday, March 3, 2017 11:35:12 AM  
**To:** ed butowsky (edbutowsky@icloud.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: From ed butowsky

I should be free then. Why don't I call him when I get to quiet spot?

Joel

On Fri, Mar 3, 2017 at 9:01 AM, ed butowsky <edbutowsky@icloud.com> wrote:  
I just spoke with Rod . Can you accept a call at 12:15 et/ 11:15 central?

Sent from my iPad

On Mar 3, 2017, at 9:37 AM, joel rich <joelrich48@gmail.com> wrote:

Ed

Thanks for helping us work on resolving this.

Yes, it would be okay for Rob to contact me. If I do not have time for a longer call I will call him back. If he can let me know when he wants to visit, I will make sure I'm at an area to talk openly. If you want to setup a good time for me to call him, that will also work.

Is Rob the same person who is in this video from last August?

<http://video.foxnews.com/v/5079544790001/?#sp=show-clips>

Joel

On Fri, Mar 3, 2017 at 6:39 AM, ed butowsky <edbutowsky@icloud.com> wrote:  
I am acknowledging and agreeing with your desire to have control over any and all comments.

Rod Wheeler has been officially hired and is diligently working on it. He can I will get the video and a lot more than that . Is it okay if he wanted to call you?

My cell is 972.897.0197  
Rod's is 202.368.3007

Sent from my iPad

On Mar 2, 2017, at 5:47 PM, joel rich <joelrich48@gmail.com> wrote:

Ed  
Any information that has validity is what will help find out what happened!  
If the investigator can get the video or other information, we definitely want to go ahead. We do not want anything released that this is in our possession until, and if, we choose to make a comment.

Is he the investigator who was on Fox last September?

We are VERY appreciative of your help!

Thank you,

Joel and Mary

On Thu, Mar 2, 2017 at 4:03 PM, ed butowsky <edbutowsky@icloud.com> wrote:  
Great. I just received a lot of new info that is interesting and troubling at the same time.

Rod Wheeler , the private investigator I want to hire, has already uncovered some info that he will share immediately with you .

I will stand by to hear from you .

Please remember, this is all on me. No money from you ever.

On Mar 2, 2017, at 3:47 PM, joel rich <joelrich48@gmail.com> wrote:

Definitely interested.

Let me talk with Mary.

Sorry for delay responding.

Thank you.

Joel

On Tue, Feb 28, 2017 at 11:32 AM, ed butowsky  
<edbutowsky@icloud.com> wrote:

FYI... he is a former homicide investigator in DC.

> On Feb 28, 2017, at 1:29 PM, ed butowsky <edbutowsky@icloud.com>  
wrote:

>

> Good afternoon. I believe I have a route to start getting you really good  
unfiltered proof. I know this is a very emotional subject but as you said if  
I have something credible show it to you.

>

> Would you be interested in seeing the surveillance video ?

> I am in Washington and a friend of mine has access to it. I can get a  
copy if you want it?

> With your permission I have a private investigator that I will hire on  
your behalf (I will take care of all the money) to give me what she already  
has in his possession.

>

V



# EXHIBIT A-7

**From:** Ed Butowsky (ebutowsky@gmail.com)  
**Sent:** Monday, July 17, 2017 6:52:02 PM  
**To:** Malia Zimmerman (maliamzimmerman@gmail.com); ed-s gmail (ebutowsky@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Fwd: From ed butowsky  
**Attachments:** Beth El Omaha Concert info sheet.pdf; ATT00002.html; 2017 Concert letter.pdf; ATT00004.html; Concert Poster 8.5x11.jpg; ATT00006.html

Sent from my iPad

Begin forwarded message:

**From:** Ed Butowsky <ebutowsky@gmail.com>  
**Date:** June 15, 2017 at 8:55:10 AM CDT  
**To:** ed's gmail <ebutowsky@gmail.com>  
**Subject:** Fwd: From ed butowsky

Sent from my iPad

Begin forwarded message:

**From:** ed butowsky <edbutowsky@icloud.com>  
**Date:** June 13, 2017 at 10:48:33 AM CDT  
**To:** ed's gmail <ebutowsky@gmail.com>  
**Subject:** Fwd: From ed butowsky

Sent from my iPad

Begin forwarded message:

**From:** joel rich <joelrich48@gmail.com>  
**Date:** March 6, 2017 at 11:03:18 AM EST  
**To:** ed butowsky <edbutowsky@icloud.com>  
**Subject:** Re: From ed butowsky

Ed

Thanks so much for taking the time to visit with me yesterday afternoon. We want

to thank you for helping us find out what happened to Seth. Hopefully Rod can find the facts to help us get some closure

I mentioned the our synagogue has renamed a fund to the Seth Rich Memorial Camp Scholarship Fund. This fund helps send kids to Jewish summer camps. The concert is a major fundraiser for the scholarship fund. Since this year is the first year, we are hoping for a great event. The concert is at 4:00 pm on Sunday, March 26<sup>th</sup>. I've attached some information about the concert.

If you decide to come to Omaha earlier for your business meeting, please let us know.

Once again, Mary and I as well as our son Aaron want to thank you for your help!

On Sun, Mar 5, 2017 at 1:24 PM, ed butowsky <edbutowsky@icloud.com> wrote:

Please let me know if you are ok with me hiring Rod on your behalf. You will have no obligations of any kind.

As I said previously,I am certain he will get you answers and I am footing the bill.

I know he already has info for you and I am sure he will share regardless if he is retained. But their will be a lot more info coming as he gets Involved and we can finally , for your family, solve this.

On Mar 3, 2017, at 7:26 PM, joel rich <joelrich48@gmail.com> wrote:

Thanks for sending the form. I did feel the conversation was good. We'll look over the form and get it back to you.

Joel

On Fri, Mar 3, 2017 at 1:26 PM, ed butowsky <edbutowsky@icloud.com> wrote:

I understand you had a nice and rather fruitful conversation with Rod Wheeler.

We are going to get to the bottom of this. Rod is simply the best

Attached is the basic agreement for Rod. With this, he can and will aggressively get you a lot of pertinent information. I said from the beginning , I will do whatever I can to help get you and your family the knowledge of what happened.



After reading and "running it by" whomever you feel needs to see it , please sign and send back to me.

You can fax it 972.386.9285 or nowadays you can just take a picture of the document and text or email it back to me.

I am paying all bills.

Please let me know when you have sent the signed document. The moment it is received, Rod will immediately take it downtown and start his work.

You will be pleased .

# EXHIBIT A-8

K. I am anxious

2017-03-06 05:11 PM

Citibank branch 913  
601 Pennsylvania Ave SE  
Washington DC 20003  
ABA#254070116  
Acct# 61244988

Got it. Do you have a second to talk?

I'm driving to my bank right now

2017-03-06 05:39 PM

Wire was just sent . I wanted to get you some money as soon as I could .  
Let's see where this Goes in the next few days.  
This will either be a short engagement because we got the email situation complete or a very long one because we want to find the murderer(s) .  
Let's agree to determine and characterize our financial engagement on weds .

2017-03-08 08:21 AM

Will call you in 10 mins

# EXHIBIT A-9



**From:** Ed Butowsky (ebutowsky@gmail.com)  
**Sent:** Monday, July 17, 2017 6:56:28 PM  
**To:** ed-s gmail (ebutowsky@gmail.com); Malia Zimmerman (maliamzimmerman@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Fwd: Signed Agreement  
**Attachments:** signed agreement.pdf; ATT00002.html

Sent from my iPad

Begin forwarded message:

**From:** ed butowsky <edbutowsky@icloud.com>  
**Date:** June 15, 2017 at 8:54:33 AM CDT  
**To:** ed's gmail <ebutowsky@gmail.com>  
**Subject: Fwd: Signed Agreement**

Sent from my iPad

Begin forwarded message:

**From:** joel rich <joelrich48@gmail.com>  
**Date:** March 14, 2017 at 11:49:56 AM CDT  
**To:** ed butowsky <edbutowsky@icloud.com>  
**Subject: Signed Agreement**

Ed

Here is the signed agreement.

Thanks for your help!

# EXHIBIT A-10

**From:** joel rich (joelrich48@gmail.com)  
**Sent:** Monday, March 13, 2017 1:52:26 PM  
**To:** ed butowsky (edbutowsky@icloud.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: Agreement

That works for me. Talk with you tonight.  
Thanks for your help!

On Mon, Mar 13, 2017 at 10:33 AM, ed butowsky <edbutowsky@icloud.com> wrote:  
Can we do 8 pm central ?

On Mar 13, 2017, at 9:23 AM, joel rich <joelrich48@gmail.com> wrote:

Ed

When would be a good time for me to call you this afternoon or evening? I'd like to discuss this a little more and include my son in the conversation.

Thanks.

On Mon, Mar 13, 2017 at 7:53 AM, ed butowsky <edbutowsky@icloud.com> wrote:

Good morning. I have left him two messages with no response. However my messages were pretty detailed. I would feel a lot more comfortable if I knew he understood how important it was for him to go away and stop presenting a relationship with you .

Please confirm that you're OK with that.

I understand you getting the agreement back today, I'm very confident you will have answers very soon.

In fact I know you will!

On Mar 12, 2017, at 12:58 PM, joel rich <joelrich48@gmail.com> wrote:

Ed

We should have signed agreement back to you shortly. Just waiting on our son to sign.

Also, wanted to confirm again whether or no you had any conversations with Jack Burkman.

Thanks again for your help! We really appreciate your assisting us in this. Hopefully this will allow us to learn what happened.

# EXHIBIT A-11





# EXHIBIT A-12



**From:** Rod wheeler <rod@rodwheeler.com>  
**To:** Malia Zimmerman <maliamazimmerman@gmail.com>  
**Cc:** Rod wheeler <rod@rodwheeler.com>, Ed Butowsky <ebutowsky@gmail.com>  
**Subject:** social media - seth rich  
**Date:** March 7, 2017 at 3:26:45 PM EST

Thanks! Yes, I noticed the post from the girl, Julia. Im curious who some of the guys are in the photo as well.

I will let you know once I speak with Joel. (will call you later this evening. About to drive over to Lou's)

Thanks

Rod

On Mar 7, 2017, at 3:24 PM, Malia Zimmerman <[maliamazimmerman@gmail.com](mailto:maliamazimmerman@gmail.com)> wrote:

Looks great.

Don't forget to get the video footage promised to the family of the killers in the crosswalk taken from the minimart. (with police)

And any other footage from the bar that night (if there is any).

What about a return on a warrant (if they got a warrant) and any body camera footage from police?

reports from EMS/medical records from that night.

Gps data on his phone and you mentioned phone records - maybe they can authorize you to get that from his carrier?

Maybe you could ask Seth Rich's parents about what they found in his apartment. Any strange keys, safes, other electronics? Banking info etc. What about electronic games (that is how the terrorists sometimes communicate along with telegram)

I also ran a social media report on him but it is mostly other people/articles talking about his murder. (see attached)

Also on FB he has pictures with a few friends. Would be interesting to ask the dad who they are. One girl has a weird post.

Here is the girl he writes to

<https://www.facebook.com/juliapoipoi?fref=ufi>

see their exchange.

---

**Julia Barrett** lol

No automatic alt text available.

July 20, 2015 at 6:00pm



**Seth Rich** Alone, right?

2 · July 20, 2015 at 6:11pm



**Julia Barrett**

July 20, 2015 at 6:12pm



**Daniel Christensen** Damn! Now I have to stand up every time you post something.

1 · July 20, 2015 at 6:15pm

On Tue, Mar 7, 2017 at 12:12 PM, Rod wheeler <[rod@rodwheeler.com](mailto:rod@rodwheeler.com)> wrote:

Trying to gain access. I've added it to the list of requests for Joel.

1. Access to twitter and Facebook Acct.
2. Send Seth's cell phone to me via overnight mail
3. Can I retrieve Seths "personal" computer that was never taken by police. Perhaps he can send me the hard drive.
4. Any video from the memorial service held for Seth?
5. Authorization to get the Autopsy report.
6. Authorization to get the CIC/Spot Shotter report.

7.????

Rod

On Mar 7, 2017, at 2:50 PM, Malia Zimmerman <[maliamzimmerman@gmail.com](mailto:maliamzimmerman@gmail.com)> wrote:

Maybe you can get access to his social media accounts

this is locked

[https://twitter.com/seth\\_rich/following](https://twitter.com/seth_rich/following)

<https://www.facebook.com/seth.rich.77>

<Screenshot 2017-03-07 11.33.47.png><Screenshot 2017-03-07 11.50.45.png>  
<Screenshot 2017-03-07 12.17.33.png><Social Media Locator Seth Rich.webarchive>

[illegible]



**From:** ebutowsky@gmail.com  
**To:** Zimmerman, Malia McLaughlin <Malia.Zimmerman@FOXNEWS.COM>  
**Cc:** rod@rodwheeler.com <rod@rodwheeler.com>  
**Subject:** media inquiry - Fox News  
**Date:** March 13, 2017 at 3:58:17 PM EDT

I think we knew that. The FBI only help by the cyber unit. The entire case is being investigated by the DC police homicide division and as we know they were told not to pursue it.

On Mar 13, 2017, at 12:54 PM, Zimmerman, Malia McLaughlin  
<[Malia.Zimmerman@FOXNEWS.COM](mailto:Malia.Zimmerman@FOXNEWS.COM)> wrote:

what do you think?

---

**From:** Schwab, Nicole J. (WF) (FBI) <[Nicole.Schwab@ic.fbi.gov](mailto:Nicole.Schwab@ic.fbi.gov)>  
**Sent:** Monday, March 13, 2017 12:52 PM  
**To:** Zimmerman, Malia McLaughlin  
**Subject:** media inquiry - Fox News

Good Afternoon Malia,

The FBI's Washington Field Office is not assisting the DC police with the investigation into the murder of Seth Rich in any capacity.

Thank you!

**Nicole J. Schwab**

FBI Washington Field Office

Public Affairs

Desk: 202-278-3041

Media Line: 202-278-3519

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**From:** Zimmerman, Malia McLaughlin [<mailto:Malia.Zimmerman@FOXNEWS.COM>]  
**Sent:** Friday, March 10, 2017 4:02 PM  
**To:** Schwab, Nicole J. (WF) (FBI) <[Nicole.Schwab@ic.fbi.gov](mailto:Nicole.Schwab@ic.fbi.gov)>; Zimmerman, Malia McLaughlin <[Malia.Zimmerman@FOXNEWS.COM](mailto:Malia.Zimmerman@FOXNEWS.COM)>  
**Subject:** media inquiry - Fox News

Hi Nicole

Per our conversation on the phone, I am writing to ask two questions:

1) Did the FBI assist the DC police with the investigation into the murder of Democratic National Committee employee Seth Rich, and if so, in what capacity? I was told it was to do a cyber review of his computer since it was encrypted. Is that the case? If not, in what manner did the FBI assist?

2) If the FBI did examine his computer and/or cell phone, can you disclose whether any communication was found between Seth Rich and Wikileaks, including emails, drop box exchanges, texts, or financial transactions? Or whether he was in possession of the emails found on from the DNC on Wikileaks?

Thank you.

Malia



**From:** Zimmerman, Malia McLaughlin <Malia.Zimmerman@FOXNEWS.COM>  
**To:** Rod Wheeler <rod@rodwheeler.com>, ebutowsky@gmail.com <ebutowsky@gmail.com>, Zimmerman, Malia McLaughlin <Malia.Zimmerman@FOXNEWS.COM>, Housley, Adam <Adam.Housley@FOXNEWS.COM>  
**Subject:** media request - Fox News  
**Date:** March 30, 2017 at 6:06:10 PM EDT

fyi

---

**From:** Press, MPD (MPD) <mpd.press@dc.gov>  
**Sent:** Thursday, March 30, 2017 2:25 PM  
**To:** Zimmerman, Malia McLaughlin  
**Subject:** RE: media request - Fox News

Good Evening Malia,

After consulting with the chief's office, we are unable to accommodate this request. Feel free to keep checking with us on the status of the case.

Best,

Rachel Reid

---

**From:** Zimmerman, Malia McLaughlin [mailto:Malia.Zimmerman@FOXNEWS.COM]  
**Sent:** Thursday, March 30, 2017 1:19 PM  
**To:** Press, MPD (MPD)  
**Subject:** Re: media request - Fox News

Yes that would be great, if he could make himself available.

Thanks,

Malia

---

**From:** Press, MPD (MPD) <[mpd.press@dc.gov](mailto:mpd.press@dc.gov)>  
**Sent:** Thursday, March 30, 2017 10:17 AM  
**To:** Zimmerman, Malia McLaughlin  
**Subject:** RE: media request - Fox News



Hello Malia,

We appreciate your interest in this case, but have no additional information to make public at this time. Are you still interested in interviewing Chief Newsham if there isn't anything new to add? Let me know and I'll see if he's available.

Best,

Rachel Reid

---

**From:** Zimmerman, Malia McLaughlin [<mailto:Malia.Zimmerman@FOXNEWS.COM>]

**Sent:** Thursday, March 30, 2017 12:50 PM

**To:** Press, MPD (MPD)

**Subject:** media request - Fox News

Good afternoon.

Just checking in to see if there are any updates on the murder investigation into Seth Rich.

Would you also be able to ask the police chief if he would be willing to do an interview with Fox News, the national bureau. I see he has spoken to other media and hoping he could do the same for us.

Thanks,

Malia

Malia Zimmerman  
Investigative Reporter,  
[FoxNews.com](http://FoxNews.com)

2044 Armacost Avenue  
Los Angeles, CA 90025

O: 310-571-2042

M: 808-306-3161

E: [Malia.Zimmerman@foxnews.com](mailto:Malia.Zimmerman@foxnews.com)



[illegible]



# EXHIBIT A-13

Monday, August 5, 2019 at 1:37:38 PM Central Daylight Time

---

**Subject:** Fwd: Good luck tomorrow morning  
**Date:** Monday, August 5, 2019 at 1:20:53 PM Central Daylight Time  
**From:** Ed Butowsky  
**To:** Maria Puente

----- Forwarded message -----

**From:** Ed Butowsky <[ebutowsky@gmail.com](mailto:ebutowsky@gmail.com)>  
**Date:** Sun, Apr 23, 2017 at 10:07 PM  
**Subject:** Good luck tomorrow morning  
**To:** Rod Wheeler <[rod@rodwheeler.com](mailto:rod@rodwheeler.com)>

Della camera is either helping us or we will go after him as being part of the coverup

Sent from my iPad

--  
Ed Butowsky

# EXHIBIT A-14



**From:** Ed Butowsky (ebutowsky@gmail.com)  
**Sent:** Monday, July 17, 2017 6:54:45 PM  
**To:** Malia Zimmerman (maliamzimmerman@gmail.com); ed-s gmail (ebutowsky@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Fwd: Edison Media Research and Seth Rich

Sent from my iPad

Begin forwarded message:

**From:** ebutowsky@gmail.com  
**Date:** March 8, 2017 at 4:28:51 PM CST  
**To:** Malia Zimmerman <maliamzimmerman@gmail.com>  
**Cc:** Rod wheeler <rod@rodwheeler.com>  
**Subject:** Re: Edison Media Research and Seth Rich

Cannot call sy

On Mar 8, 2017, at 3:20 PM, Malia Zimmerman <maliamzimmerman@gmail.com> wrote:

Thanks Rod.

Not sure if you and Ed think it is a good idea for you to call Sy Hersh to ask about getting ahold of his FBI contact? He might tell you if you are working for the family.

Just a thought.

Did you talk with the general manager of Lou's city bar?

On Wed, Mar 8, 2017 at 12:12 PM, Rod wheeler <rod@rodwheeler.com> wrote:

Thanks Malia. I spoke with Joel this morning and he assured me the signed agreement would be coming my way by early evening. He also shared with me that Aaron and Molly are in possession of the "2nd" cell phone so I would need to get it from them. Further, he said that Aaron and Molly examined the other "personal computer" but they did not see anything worth noting. I told him I would like to copy the hard drive and have it reexamined. He said he doesn't think it would be a problem, but it is up to Aaron and Molly. He said that Aaron should have a timeline of everyone Seth talked with the night of the incident however, he too agreed that there are several gaps in time that no one has been able to account for yet. Im still waiting to hear back from my MPD contact. I think by tomorrow, I should be able to make a move with them. (MPD) Im utilizing different approaches to seek out our information from the case file. Im going to call Aaron again this evening if I don't hear from them by 7:00pm. (They are in Denver)

Rod-

> On Mar 8, 2017, at 2:36 PM, Malia Zimmerman <maliamazimmerman@gmail.com>  
wrote:

>

> There was an allegation by some on line that Seth Rich was killed because he was supposed to be a key witness in a lawsuit against Edison Media Research, which was being sued by some activist group for reporting inaccurate exit polling data.

>

> I contacted the head of the group suing, Bob Fittrakis, and he said that they realized AFTER Seth Rich had died that he would have been a good witness in their case.. But Seth clearly wasn't killed for that reason.

>

> Just tracking down these little weird allegations that seem to pop up around this story.

>

>

# EXHIBIT A-15

<iMessage>

2017-04-27 12:12 PM

Gentlemen please meet. Rod this is my friend who is looking into something we've been working on. I suggest you pick a location and a date and meet in person soon as possible. Rod, feel free to share everything and anything with him.

2017-04-27 06:08 PM

Thanks ed. Rod let me know

2017-04-28 07:55 AM

I am around this afternoon if that works for you.  
I can link up anywhere in the D.C. Area or by the National harbor.

2017-04-28 09:07 AM

Ok, ill let you know. This afternoon may be tough

2017-05-01 09:02 AM

Gentlemen, please try to meet early this week even if it's just for 20 minutes.  
Rod you have a lot of info to get to Dee O.  
Dee O, this information is really eye-opening

2017-05-01 09:03 AM

Whats your shedule rod?

2017-05-01 09:07 AM

Ed I am in New York today and tomorrow teaching an active shooter Prepardness course at a chemical company. I am free to chat via phone after 5pm today and tomorrow.

2017-05-01 09:15 AM

Let me know your schedule when you are back in dc area and we will link up

10-4

2017-05-03 08:32 AM

Please connect today

2017-05-03 09:10 AM



Will do

2017-05-04 07:06 AM

D-O are you available to connect at 1:00pm today? Somewhere in the D.C. area?

2017-05-04 07:09 AM

Im in hearings all day today. How about tomorrow at 930am near the capitol?

2017-05-04 07:11 AM

That works for me! Corner bakery downstairs at the Fox Building. 400 N. Capitol. Good?

2017-05-04 07:17 AM

Any chance we can meet on the steps of the library of congress and duck inside there to chat. I have an 11 back inside the dome i need to make

2017-05-04 07:20 AM

Sure. No worries. See you then @9:30am tomorrow. Have a great day!

Awesome. Thanks

# EXHIBIT A-16

To: ED Burzovsky, Cash

ED Burzovsky

gentlemen please meet. Rod this is my friend who is looking into something we've been working on. I suggest you pick a location and a date and meet in person soon as possible. Rod, feel free to share everything and anything with him.

Cash

Thanks ed. Rod let me know

Cash

Ok, ill let you know. This afternoon may be tough

ED Burzovsky

gentlemen, please try to meet early this week even if it's just for 20 minutes. Rod you have a lot of info to get to Dc O.

Cash

Whats your schedule rod?

Cash

Let me know your schedule when you are back in dc area and we will link up

ED Burzovsky

Please connect today

Cash

Im in hearings all day today. How about tomorrow at 930am near the capitol?

Cash

Any chance we can meet on the steps of the library of congress and duck inside there to chat. I have an 11 back inside the dome i need to make

Cash

Awesome. Thanks

Message with «19271897-0157»  
4/27/17, 12:12 PM

4/27/17, 6:08 PM

4/28/17, 7:55 AM

4/28/17, 9:07 AM

5/1/17, 9:02 AM

5/3/17, 8:52 AM

5/4/17, 7:09 AM

I am around this afternoon. I can get you anywhere in the D.C. area or the National Harbor

Ed I am in New York today and tomorrow teaching an active shooter Preparedness course at a chemical company. I am free to chat via phone after 5pm today and tomorrow

No A

Will do

D-C are you available to connect at 1:00pm today? Somewhere in the D.C. area?

This works for me! Corner bakery downstairs at the Fox Building, 300 N. Capitol. Good

Sure. No worries. See you then (at 3:00pm tomorrow). Have a great day.

Screenshot

To: Cash

Details

Message with 15:15:2104281  
5/11/17 2:46 PM

5/11/17 8:38 PM

5/11/17 9:44 PM

5/15/17 9:58 AM

Can we chat tomorrow, today is crazy

Bpm works

Somewhere in shaw/chinatown

Trying to think of place we can speak

How bout is columbe coffee shop in blagden alley behind 9th and N

Can you call me real quick? Updated into 202-368-3002

Hey absolutely! Just give me a call anytime tomorrow when your free! Have a good evening

Ok, we've stood to meet tomorrow with the D.C. detectives? Are willing to meet. I am free anytime after than 5pm-5am. Maybe we can meet @Bpm? Yes

Location?

Willing to meet here, but we're supposed to call first

Screenshot





# EXHIBIT A-17

**Subject:** Fwd: KELSEY MULKA

**Date:** Monday, August 5, 2019 at 1:16:31 PM Central Daylight Time

**From:** Ed Butowsky

**To:** Maria Puente

----- Forwarded message -----

From: <[ebutowsky@gmail.com](mailto:ebutowsky@gmail.com)>

Date: Mon, Mar 13, 2017 at 12:48 PM

Subject: Re: KELSEY MULKA

To: Malia Zimmerman <[maliamzimmerman@gmail.com](mailto:maliamzimmerman@gmail.com)>, Rod Wheeler <[rod@rodwheeler.com](mailto:rod@rodwheeler.com)>

Separately, I was asked by Joel Rich to jump on a call with him and Aaron tonight. Rod let me know when you get that agreement.

On Mar 13, 2017, at 10:43 AM, Malia Zimmerman <[maliamzimmerman@gmail.com](mailto:maliamzimmerman@gmail.com)> wrote:

Name: KELSEY MULKA  
SSN: 376-13-xxxx  
Email Address(es):  
[MERRIEP@COMCAST.NET](mailto:MERRIEP@COMCAST.NET)

Street Address(es):  
4688 BROOKWOOD MEADOWS DR, BRIGHTON, MI 48116-9171

weirdly she has her own web site now but nothing is on it except her photo and linked in page

<http://www.KelseyMulka.com>

Name: KELSEY E MULKA  
SSN: 376-13-xxxx  
Email Address(es):  
[MULKAKEL@GMAIL.COM](mailto:MULKAKEL@GMAIL.COM)

Street Address(es):  
1401 N TAFT ST APT 809, ARLINGTON, VA 22201-2650

I believe these are her parents

4688 BROOKWOOD MEADOWS DR, BRIGHTON, MI 48116-9171, LIVINGSTON COUNTY

CASIMIR PAUL MULKA  
MERRIE PHILLIPS MULKA  
KYLE CASIMIR MULKA  
810-227-3960 - EDT MULKA KELSEY

<Comprehensive Report-Kelsey Mulka.pdf>

—  
Ed Butowsky

# EXHIBIT A-18

Monday, August 5, 2019 at 1:37:25 PM Central Daylight Time

**Subject:** Fwd:

**Date:** Monday, August 5, 2019 at 1:19:31 PM Central Daylight Time

**From:** Ed Butowsky

**To:** Maria Puente

----- Forwarded message -----

**From:** Malia Zimmerman <[maliamzimmerman@gmail.com](mailto:maliamzimmerman@gmail.com)>

**Date:** Fri, Mar 31, 2017 at 1:09 AM

**Subject:** Re:

**To:** <[ebutowsky@gmail.com](mailto:ebutowsky@gmail.com)>

Perfect thanks

On Thu, Mar 30, 2017 at 11:08 PM <[ebutowsky@gmail.com](mailto:ebutowsky@gmail.com)> wrote:

I agree. Let's see if Kelsey has something for us and then I will get very aggressive with Devin over the weekend

On Mar 31, 2017, at 12:19 AM, Malia Zimmerman <[maliamzimmerman@gmail.com](mailto:maliamzimmerman@gmail.com)> wrote:

That's why Devin Nunes needs to help us or get his guy to. What we know dispels that whole narrative.

On Thu, Mar 30, 2017 at 6:39 PM <[ebutowsky@gmail.com](mailto:ebutowsky@gmail.com)> wrote:

Download Attachment

Available until Apr 29, 2017



—  
Ed Butowsky

# EXHIBIT A-19



**From:** Ed Butowsky (ebutowsky@gmail.com)  
**Sent:** Thursday, April 20, 2017 5:01:10 AM  
**To:** Seymour Hersh (syhersh@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** from ed butowsky.. i am in washington today.. are you open for lunch -

# EXHIBIT A-20

**From:** ed butowsky (ebutowsky@gmail.com)  
**Sent:** Friday, May 5, 2017 11:57:54 AM  
**To:** Seymour Hersh (syhersh@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: Good morning. Is there any doubt in your mind that the FBI cyber unit looked at Seth Rich computer -

I understand. You just had such details about what occurred that it seemed as though you were closer to the story than I guess it appears. No worries.

---

**From:** Seymour Hersh <syhersh@gmail.com>  
**Date:** Friday, May 5, 2017 at 11:55 AM  
**To:** ed's gmail <ebutowsky@gmail.com>  
**Subject:** Re: Good morning. Is there any doubt in your mind that the FBI cyber unit looked at Seth Rich computer ?

ed -- reporters hear things, they believe things, they check it out, and if it ain't so, or ain't provable, they move on. i did not write it, and that is all you need to know...and for the record i do not have a friend at the fbi cyber unit...and never felt i had enough information to talk to anyone in the fbi about it...

On Fri, May 5, 2017 at 12:12 PM, <ebutowsky@gmail.com> wrote:

Thank you for responding.

When you explained it to me you had a lot of confidence. Therefore I had the impression that it came from someone at the cyber unit at the FBI who's your friend .I have been helping the family out on my own nickel and just want to confirm that one little piece of the story.

Is there someway you can call the person back who told you so you get more comfortable that the cyber unit was involved?

On May 5, 2017, at 10:59 AM, Seymour Hersh <syhersh@gmail.com> wrote:

ed...of course there is doubt...if i believed it, i would have written it...that's what i do for a living...and i did not write a word about seth rich. sy

On Fri, May 5, 2017 at 11:30 AM, <ebutowsky@gmail.com> wrote:

# EXHIBIT A-21

**From:** ed butowsky (ebutowsky@gmail.com)  
**Sent:** Friday, June 2, 2017 10:23:51 AM  
**To:** Seymour Hersh (syhersh@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: -

I know it isn't first hand knowledge but you clearly said , my memory is perfect , that you had a friend at the FBI who read / told you what was in the file on Seth Rich and I wonder why you aren't helping your country and sharing that information on who it was ?

---

**From:** Seymour Hersh <syhersh@gmail.com>  
**Date:** Friday, June 2, 2017 at 9:22 AM  
**To:** ed's gmail <ebutowsky@gmail.com>  
**Subject:** Re: ?

ed --you have a lousy memory...i was not read anything by my fbi friend..i have no firsthand information and i really wish you would stop telling others information that you think i have...please stop relaying information that you do not have right...and that i have no reason to believe is accurate...

On Fri, Jun 2, 2017 at 9:02 AM, <ebutowsky@gmail.com> wrote:

I am curious why you haven't approached the house committee telling them what you were read by your FBI friend related to Seth Rich that you in turn read to me.

Based on all your work, it appears that you care about the truth.

Even though , as you said you couldn't get a second, shouldn't you tell them so they could use their powers to determine the truth?

# EXHIBIT A-22



**From:** ebutowsky@gmail.com (ebutowsky@gmail.com)  
**Sent:** Tuesday, June 27, 2017 4:36:33 PM  
**To:** Seymour Hersh (syhersh@gmail.com); joel rich (joelrich48@gmail.com); Joel Rich (jrich12105@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: -

Who is the person who read you the file or told you about it. Doesn't the family have a right to know? Stop being heartless !

On Jun 2, 2017, at 10:22 AM, Seymour Hersh <syhersh@gmail.com> wrote:

ed --you have a lousy memory...i was not read anything by my fbi friend..i have no firsthand information and i really wish you would stop telling others information that you think i have...please stop relaying information that you do not have right...and that i have no reason to believe is accurate...

On Fri, Jun 2, 2017 at 9:02 AM, <ebutowsky@gmail.com> wrote:

I am curious why you haven't approached the house committee telling them what you were read by your FBI friend related to Seth Rich that you in turn read to me.  
Based on all your work, it appears that you care about the truth.  
Even though , as you said you couldn't get a second, shouldn't you tell them so they could use their powers to determine the truth?

# EXHIBIT A-23

**From:** ed butowsky (ebutowsky@gmail.com)  
**Sent:** Sunday, August 20, 2017 11:07:46 AM  
**To:** Malia Zimmerman (maliamzimmerman@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** FW: From ed butowsky ... for your eyes only ( your family can see )

---

**From:** ed's gmail <ebutowsky@gmail.com>  
**Date:** Saturday, March 4, 2017 at 5:36 PM

**Subject:** From ed butowsky ... for your eyes only ( your family can see )

Ed, remember I have to confirm the emails between Seth and Wikileaks and also confirm Rod's quotes. He might want some of these to not be attributed to him.

--

The Democratic National Committee staffer who was gunned down on a Washington, D.C., street 8 months ago just steps from his home in the cozy Washington DC's Columbia Heights neighborhood, did, in fact, provide some 30,000 internal emails between DNC party leaders to WikiLeaks, Fox News has confirmed.

Seth Rich, 27, who was murdered July 10, worked as a DNC data analyst and completed a database for spurring voter turnout. During a forensic search of Rich's work computer, two FBI cyber experts uncovered correspondence between Rich and Wikileaks and a Dropbox where documents were uploaded from Rich's computer to Wikileaks. The FBI cyber unit performed an analysis at the request of DC police.

While this could be a politically related hit, a source close to the investigation said the police chief, at the direction of the DC mayor, is keeping any information related to the case in his office, under lock and key, with only one DC detective allowed access.

"The DC mayor is really monitoring this case very closely and officers are restricted in terms of what they can say or not say to

the family and the public,” said a source close to the investigation.

“It appears that the investigators are walking on eggshells with regard to the case.”

The emails published July 22, 12 days after Rich’s death, and just before the Democratic Party Convention, showed top DNC officials conspired to stop Sen. Bernie Sanders of Vermont from becoming the party’s presidential nominee. That controversy resulted in Debbie Wasserman Schultz resigning as DNC chairperson during the convention. A number of Sanders supporters refused to support party nominee, Hillary Clinton, and some subsequently formed groups to work against Clinton and their party.

Former Washington DC Homicide Detective Rod Wheeler, who now runs his own private detective service, said detectives normal look at several possible working theories.

For example, police could look into whether Rich was killed by someone he knew for personal reasons, possibly out of jealousy, betrayal or anger. They could also investigate whether he was murdered for political reasons, either out of revenge for him releasing DNC emails to Wikileaks or to prevent him from sending additional files.

DC police have stuck to the theory that Rich’s murder was the result of a botched robbery, despite the fact that the dual assailants who shot Rich twice in his back, did not take his wallet, cell phone, keys, watch or \$2,000 necklace.

Wheeler said the botched robbery theory, which police have pursued for 8 months, doesn’t seem to be panning out.

Police should consider a political angle, he said, especially in light of WikiLeaks' founder Julian Assange alleging Rich was source.

During an Aug. 9 interview from Ecuador’s London embassy with a Dutch television reporter, Assange hinted that Rich was the source of those emails and announced Wikileaks put up a \$20,000 reward

The Dutch journalist looked astonished, and asked Assange, "What are you suggesting?"

"I am suggesting," Assange replied, "that our sources take risks, and they, they become concerned to see things occurring like that."

On Twitter, Wikileaks noted the reward and Assange's statement "should not be taken to imply that Seth Rich was a source for WikiLeaks or to imply that his murder is connected to our publications." Wikileaks has a policy not to release the names of its sources, even after their death.

But in subsequent appearances on Fox News Channel, Assange confirmed, "We're interested in anything that might be a threat to alleged WikiLeaks sources."

D.C. police have offered a \$25,000 reward. That, with the Wikileaks fund, and \$130,000 from Republican lobbyist Jack Burkman, amounts to \$175,000, the largest reward in such a case in the nation's capital.

Wheeler said several other leads could be followed in the case, such as a review of all of Rich's actions the night of his death. A bartender at Lou's City Bar told Fox News this week that Rich sat on the patio, not inside at his usual seat at the bar, before he leaving about 1:15 a.m. to walk home.

Police did not obtain security footage from the area or the restaurant to see if Rich met anyone or was in a confrontation with anyone who walked by or was a patron in the bar, according to the bartender on duty.

Rich took his time walking home, calling several people, including his father, who he missed because he had gone to sleep. He phoned a fraternity brother, and his girlfriend, Kelsey Mulka, who was out of town. Around 4:17 a.m., when Rich was about a block

from his home, Mulka, still on the phone with him, heard voices in the background, but Rich reassured her he was steps away from being at his front door.

Two minutes later, Rich was shot twice in the back. Because DC has an alert system that detects gunshots, police were on the scene within 3 minutes. Rich, who had sustained bruising on his hands and face, remained conscious, but died at a nearby hospital about an 1 hour and 40 minutes later. Police and EMS personnel will not say whether Rich provided them with any clues about the identities of his attackers or their motivation.

Police also have refused to release security footage from a market on the corner of the crosswalk where Rich was killed to either the family or the media. The footage shows two people following Rich across the tiny crosswalk just moments before he was attacked. The camera captured the assailants' legs and Rich as he fell backwards into the street after being shot.

Wheeler said normally police would release the footage to the media to see if anyone remembers anything from that night or recognizes assailants. The family also should be privy to the entire case jacket, with all the details of the case, unless they are considered suspects, Wheeler said. However, according to Joel Rich, Seth Rich's father, they have not received a copy of the tape or many of the details related to their son's murder case.



# EXHIBIT A-24

**From:** Malia Zimmerman (maliamzimmerman@gmail.com)  
**Sent:** Thursday, May 11, 2017 12:43:59 PM  
**To:** Ed Butowsky (ebutowsky@gmail.com); Rod Wheeler (rod@rodwheeler.com); Malia Zimmerman (maliamzimmerman@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Seth Rich  
Ed, Rod

Could you please ask your sources:

- 1) Why are they privy to information about Seth Rich's murder investigation? Was they part of an investigation into Wikileaks - or Seth Rich's murder - or how they intersect?
- 2) Do they know for sure that Seth Rich sent emails to Wikileaks and if so, how do they know? Did they see his emails, or drop box, or how do they know with certainty? Is this first and knowledge? Any specifics would be helpful. The date they were uploaded, the address they were sent to, etc.
- 3) Did Seth Rich sell the emails and if so, for how much, and how was the transaction completed? Did he give Wikileaks all 30,000 emails that were published from the DNC or just a portion?
- 4) Who do they think killed Seth Rich and what evidence is there to prove the theory? If the Romanian hacker group killed him, was it revenge? How did they intersect?
- 5) Do they remember seeing any documentation or have any documentation they can show us or read to us that proves Seth Rich was the leaker?
- 6) Do they think there is an attempt to cover up the fact that Seth Rich was the leaker and if so, by who, or which agency, and why?
- 7) Which agencies have been involved in the murder investigation either by assisting in some way or getting involved in the investigation? Was the FBI involved and if so which unit? What did the agency do specifically?
- 8) Can we use their responses in the story without attribution? And just say according to a US intelligence source?

Thanks

Malia

# EXHIBIT A-25

**From:** ebutowsky@gmail.com  
**To:** Rod Wheeler <rod@rodwheeler.com>  
**Subject:** " final " version that she sent to nyc to be published  
**Date:** June 9, 2017 at 2:09:22 PM EDT

This was the final version from what I understand it was sent to New York to be published.

**From:** ed butowsky <[edbutowsky@icloud.com](mailto:edbutowsky@icloud.com)>  
**Date:** May 15, 2017 at 10:55:54 PM CDT  
**To:** lauren petterson <[lcpetter@gmail.com](mailto:lcpetter@gmail.com)>, [LAUREN.PETTERSON@FOXNEWS.COM](mailto:LAUREN.PETTERSON@FOXNEWS.COM), steve doocy <[steve.doocy@foxnews.com](mailto:steve.doocy@foxnews.com)>, steve doocy <[stevedoocy@mac.com](mailto:stevedoocy@mac.com)>, Gavin Hadden <[gavin.hadden@gmail.com](mailto:gavin.hadden@gmail.com)>, Gavin Hadden <[gavin.hadden@foxnews.com](mailto:gavin.hadden@foxnews.com)>, Sean Groman <[sean.groman@FOXNEWS.COM](mailto:sean.groman@FOXNEWS.COM)>, Alan Hall <[alan.hall@foxnews.com](mailto:alan.hall@foxnews.com)>, Brian Kilmeade <[brian.kilmeade@foxnews.com](mailto:brian.kilmeade@foxnews.com)>, Ainsley Earhardt <[ainsleyproctor@gmail.com](mailto:ainsleyproctor@gmail.com)>  
**Subject:** Dnc staffer sent emails to Wikileaks

The story is or will be up very early tomorrow morning. Rod Wheeler is up and ready to give interviews. There's more to come on the story but for now this is a massive story there's going to be talked about for a long time.

If you have any questions about the story or more information needed, call me at 972-897-0197. I'm actually the one who's been putting this together but as you know I keep my name out of things because I have no credibility.

One of the big conclusions we need to draw from this is that the Russians did not hack into our computer systems and steal emails and there was no collusion like trump with the Russians.

We're gonna have a follow up story which includes Donna Brazil in her role in all of this.

**From:** "Zimmerman, Malia McLaughlin" <[Malia.Zimmerman@FOXNEWS.COM](mailto:Malia.Zimmerman@FOXNEWS.COM)>  
**Date:** May 15, 2017 at 10:41:02 PM CDT  
**To:** "edbutowsky@icloud.com" <[edbutowsky@icloud.com](mailto:edbutowsky@icloud.com)>  
**Subject:** Dnc staffer sent emails to Wikileaks

By Malia Zimmerman

The Democratic National Committee staffer who was gunned down on July 10 on a Washington, D.C., street last July just steps from his home in the cozy Washington DC's Columbia Heights neighborhood, leaked thousands of highly controversial emails to WikiLeaks that were generated internally between DNC party leaders, Fox News has confirmed after a 10-month investigation.

A federal investigator who reviewed an FBI forensic report detailing the contents of DNC staffer Seth Rich's computer generated within 96 hours after his murder, said Rich made contact with Wikileaks through Gavin MacFadyen, a famous American investigative reporter, documentary filmmaker, and director of Wikileaks who was living in London.

"I have seen and read the emails between Seth Rich and Wikileaks," the federal investigator told Fox News, confirming the MacFayden connection. He said the whole case was put to rest after the FBI initial audit. FBI agents were told not to investigate further. The emails sit inside the FBI today, said the federal agent, who asked to remain a confidential source.

Rod Wheeler, a former DC homicide police detective who now runs a private detective firm, said he too uncovered substantial evidence and information that led him to believe the connection between Rich and Wikileaks.

"My investigation up to this point shows there was some degree of email exchange between Seth Rich and Wikileaks," said Wheeler, who was hired to investigate Rich's murder. "I do believe that the answers to who murdered Seth Rich sits on his computer on a shelf at the DC police or FBI headquarters."

The last of the 44,053 emails and 17,761 attachments between Democratic National

Committee leaders, which spanned from January 2015 through late May 2016, were transferred from Rich to Wikileaks before May 21. Fifty days later, Rich was murdered, shot twice in the back and left to die just steps from his home.

On July 22, just 12 days after Rich was killed, Wikileaks published the emails. They showed top DNC officials conspired to stop Sen. Bernie Sanders of Vermont from becoming the party's presidential nominee. That controversy resulted in Debbie Wasserman Schultz resigning as DNC chairperson. A number of Sanders supporters refused to back party nominee, Hillary Clinton, and some subsequently formed groups to work against Clinton and their party.

On August 9, Wikileaks added another mysterious twist to Rich's murder by announcing: "WikiLeaks has decided to issue a US\$20k reward for information leading to conviction for the murder of DNC staffer Seth Rich."

While some in the intelligence community and Congress have blamed Russian hackers for stealing and leaking emails from the DNC and Hillary Clinton's campaign to Wikileaks to impact the election in Donald Trump's favor, the emails show, at least in the case of the DNC emails, the emails were forwarded by Rich. Some close to the investigation believe he could have done this to expose the party's bias against Sanders.

The Metropolitan Police Department has no suspects and no substantial leads as to who the killer or killers may be, sources close to the investigation said.

Metropolitan Police, including the police chief, have continuously refused to grant interviews, answer emailed questions, or take phone calls from Fox News about the murder investigation, or about the FBI's findings or initial involvement in the case.

A source close to the investigation said the DC mayor is closely monitoring this case and officers are restricted in terms of what they can say or not say to the family and the

media.

“It appears that the investigators are walking on eggshells with regard to the case,” the source said.

The FBI’s national office has refused to respond to several inquiries about any initial assistance the agency’s cyber experts provided in the investigation.

“My investigation shows someone within the DC government, Democratic National Committee or Clinton team is blocking the murder investigation from going forward,” Wheeler said. “That is unfortunately. Seth Rich’s murder is unsolved as a result of that.”

Despite obvious knowledge of Rich’s involvement with Wikileaks, DC police have stuck to their initial theory that Rich’s murder was the result of a botched robbery.

The botched robbery theory, which police have pursued for nearly a year, isn’t panning out, Wheeler said. The dual assailants caught on a grainy video tape from a camera posted outside a grocery mart, shot Rich twice in his back, but did not take his wallet, cell phone, keys, watch or necklace worth about \$2,000.

Police detectives typically look at several possible working theories, but Wheeler said that this case appears to be different.

“Something about the email theory has the police tight-lipped,” Wheeler said.

Police could look into whether Rich was killed by someone he knew for personal reasons, possibly out of jealousy, betrayal or anger. They could also investigate



whether he was murdered for political reasons, either out of revenge for him releasing DNC emails to Wikileaks or to prevent him from sending additional files, Wheeler said.

Police should consider all angles, Wheeler said, especially in light of WikiLeaks' founder Julian Assange alluding on August 9 during an interview with a Dutch television reporter that Rich was the source.

"I am suggesting," Assange told the Dutch reporter, "that our sources take risks, and they, they become concerned to see things occurring like that."

On Twitter, Wikileaks announced the reward but said Assange's statement "should not be taken to imply that Seth Rich was a source for WikiLeaks or to imply that his murder is connected to our publications" because Wikileaks has a policy not to release the names of its sources, even after their death.

In subsequent appearances on Fox News Channel, Assange confirmed, "We're interested in anything that might be a threat to alleged WikiLeaks sources."

Assange has not returned a series of recent emails from Fox News about Rich. MacFayden, the director of Wikileaks who initially made contact with Rich, died October 22.

D.C. police announced a \$25,000 reward, and Republican lobbyist Jack Burkman issued a \$130,000 reward, totaling \$175,000 with Wikileaks' reward for information about Rich's killer.

Wheeler said all leads in this case need to be followed to solve Rich's murder including where he went the night he died, who he encountered that night, and who he spoke to

on the phone.

Rich had been at Lou's City Bar a couple of miles from his home until about 1:15 am. He walked home, calling several people along the way. He called his father, Joel Rich, who he missed because he had gone to sleep. He talked with a fraternity brother and his girlfriend, Kelsey Mulka.

Around 4:17 a.m., Rich was about a block from his home when Mulka, still on the phone with him, heard voices in the background. Rich reassured her that he was steps away from being at his front door and hung up.

Two minutes later, Rich was shot twice. Police were on the scene within 3 minutes. Rich sustained bruising on his hands and face. He remained conscious, but died at a nearby hospital within 1 hour and 40 minutes.

Police detectives will not say whether Rich provided them with any clues about the identity of his attackers or their motivation, Wheeler said. However, Wheeler believes Rich could have provided information prior to his death of who was responsible for carrying out his murder.

Police also have refused to release security footage from a market on the corner of the crosswalk where Rich was killed. The footage shows two people following Rich across the tiny crosswalk just moments before he was attacked. The camera captured grainy footage of the assailants' legs and Rich as he fell backwards into the street after being shot.

Wheeler said normally police would release the footage to the media. The family also should be privy to the entire case jacket, with all the details of the case, unless they are considered suspects, Wheeler said. However, to date, the family has not received a copy of the tape or most of the details related to their son's murder case. The homicide



# EXHIBIT A-26

**From:** Malia Zimmerman (maliamzimmerman@gmail.com)  
**Sent:** Monday, May 15, 2017 7:15:21 PM  
**To:** ebutowsky@gmail.com (ebutowsky@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: draft turned in

I sent Rod's quotes about Donna Brazile and Debbie Wasserman Schultz to my editor and he will decide tomorrow whether it goes in this story or a second immediate follow up story. We will know in the morning.

On Mon, May 15, 2017 at 5:13 PM <ebutowsky@gmail.com> wrote:

This is great. But I really think we need to add the Donna Brazil in. Your thoughts?

No matter what we need this out tomorrow morning. If adding Donna Brazil this article keep that from happening then let's do a separate Donna Brazil

Begin forwarded message:

**From:** Malia Zimmerman <maliamzimmerman@gmail.com>  
**Date:** May 15, 2017 at 3:47:14 PM CDT  
**To:** Rod Wheeler <rod@rodwheeler.com>, Ed Butowsky <ebutowsky@gmail.com>  
**Subject:** draft turned in

By Malia Zimmerman

The Democratic National Committee staffer who was gunned down on July 10 on a Washington, D.C., street last July just steps from his home in the cozy Washington DC's Columbia Heights neighborhood, leaked thousands of highly controversial emails to WikiLeaks that were generated internally between DNC party leaders, Fox News has confirmed after a 10-month investigation.

A federal investigator who reviewed an FBI forensic report detailing the contents of DNC staffer Seth Rich's computer generated within 96 hours after his murder, said Rich made contact with Wikileaks through Gavin MacFadyen, a famous American investigative reporter, documentary filmmaker, and director of Wikileaks who was living in London.

"I have seen and read the emails between Seth Rich and Wikileaks," the

federal investigator told Fox News, confirming the MacFayden connection. He said the whole case was put to rest after the FBI initial audit. FBI agents were told not to investigate further. The emails sit inside the FBI today, said the federal agent, who asked to remain a confidential source.

Rod Wheeler, a former DC homicide police detective who now runs a private detective firm, said he too uncovered substantial evidence and information that led him to believe the connection between Rich and Wikileaks.

“My investigation up to this point shows there was some degree of email exchange between Seth Rich and Wikileaks,” said Wheeler, who was hired to investigate Rich's murder. “I do believe that the answers to who murdered Seth Rich sits on his computer on a shelf at the DC police or FBI headquarters.”

The last of the 44,053 emails and 17,761 attachments between Democratic National Committee leaders, which spanned from January 2015 through late May 2016, were transferred from Rich to Wikileaks before May 21. Fifty days later, Rich was murdered, shot twice in the back and left to die just steps from his home.

On July 22, just 12 days after Rich was killed, Wikileaks published the emails. They showed top DNC officials conspired to stop Sen. Bernie Sanders of Vermont from becoming the party's presidential nominee. That controversy resulted in Debbie Wasserman Schultz resigning as DNC chairperson. A number of Sanders supporters refused to back party nominee, Hillary Clinton, and some subsequently formed groups to work against Clinton and their party.

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The Metropolitan Police Department has no suspects and no substantial leads as to who the killer or killers may be, sources close to the investigation said.

Metropolitan Police, including the police chief, have continuously refused to grant interviews, answer emailed questions, or take phone calls from Fox News about the murder investigation, or about the FBI's findings or initial involvement in the case.

A source close to the investigation said the DC mayor is closely monitoring this case and officers are restricted in terms of what they can say or not say to the family and the media.

"It appears that the investigators are walking on eggshells with regard to the case," the source said.

The FBI's national office has refused to respond to several inquiries about any initial assistance the agency's cyber experts provided in the investigation.

"My investigation shows someone within the DC government, Democratic



National Committee or Clinton team is blocking the murder investigation from going forward,” Wheeler said. “That is unfortunately. Seth Rich’s murder is unsolved as a result of that.”

Despite obvious knowledge of Rich’s involvement with Wikileaks, DC police have stuck to their initial theory that Rich’s murder was the result of a botched robbery.

The botched robbery theory, which police have pursued for nearly a year, isn’t panning out, Wheeler said. The dual assailants caught on a grainy video tape from a camera posted outside a grocery mart, shot Rich twice in his back, but did not take his wallet, cell phone, keys, watch or necklace worth about \$2,000.

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Police should consider all angles, Wheeler said, especially in light of WikiLeaks' founder Julian Assange alluding on August 9 during an interview with a Dutch television reporter that Rich was the source.

“I am suggesting,” Assange told the Dutch reporter, “that our sources take

On Twitter, Wikileaks announced the reward but said Assange's statement "should not be taken to imply that Seth Rich was a source for WikiLeaks or to imply that his murder is connected to our publications" because Wikileaks has a policy not to release the names of its sources, even after their death.

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on the phone with him, heard voices in the background. Rich reassured her that he was steps away from being at his front door and hung up.

Two minutes later, Rich was shot twice. Police were on the scene within 3 minutes. Rich sustained bruising on his hands and face. He remained conscious, but died at a nearby hospital within 1 hour and 40 minutes.

Police detectives will not say whether Rich provided them with any clues about the identity of his attackers or their motivation, Wheeler said. However, Wheeler believes Rich could have provided information prior to his death of who was responsible for carrying out his murder.

Police also have refused to release security footage from a market on the corner of the crosswalk where Rich was killed. The footage shows two people following Rich across the tiny crosswalk just moments before he was attacked. The camera captured grainy footage of the assailants' legs and Rich as he fell backwards into the street after being shot.

Wheeler said normally police would release the footage to the media. The family also should be privy to the entire case jacket, with all the details of the case, unless they are considered suspects, Wheeler said. However, to date, the family has not received a copy of the tape or most of the details related to their son's murder case. The homicide case remains open, according to a spokesperson for DC police.

# EXHIBIT A-27

**From:** Malia Zimmerman (maliamzimmerman@gmail.com)  
**Sent:** Friday, May 19, 2017 8:46:51 AM  
**To:** Ed Butowsky (ebutowsky@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: Please listen to this audio

Do you want me to send him your response as well? Do you know that they're actually going to publish something today?

I don't know if the response is for internal or X ternal publishing purposes.

On Fri, May 19, 2017 at 6:42 AM Ed Butowsky <ebutowsky@gmail.com> wrote:  
I understand and things will happen today to fix this. Let him know please . I completely empathize with his position and let him know that the egg will be washed away very soon

Sent from my iPad

On May 19, 2017, at 8:06 AM, Malia Zimmerman <maliamzimmerman@gmail.com> wrote:

About the tape

Begin forwarded message:

**From:** Greg Wilson <gregtwilson@optimum.net>  
**Date:** May 19, 2017 at 1:56:51 AM PDT  
**To:** "Zimmerman, Malia McLaughlin" <Malia.Zimmerman@FOXNEWS.COM>  
**Subject:** Re: Please listen to this audio

It is very interesting, although I have no idea who the guy is talking to Ed Butowski. I only sorta know who Ed is. This is the point: it is not a matter of whether the premise of the story is true or not. Our story is flawed because the family attacked it (unless and until they refute Bauman) and because our main in the record source made a mess of it. I do not blame you for those factors, but you should be able to see that they wreck the story we put out. This is not a case of me or anyone else going wobbly. The story IS problematic right now.

Sent from my iPhone

On May 18, 2017, at 10:03 PM, Zimmerman, Malia McLaughlin  
<Malia.Zimmerman@FOXNEWS.COM> wrote:

It is the NSA source talking about getting info on Seth Rich and also how the FBI is using careful language to deny involvement when they do have a file. He's also talking about retracing Seth Rich's footprints on the dark web to see how he exchanged the files for bitcoin. He's talking to a Fox News

contributor Ed butowsky who is a good friend of John Moody's and tom Lowell. The NSA guy said my story is accurate. He's working to get files from the FBI and from the dark web.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

<New Memo.m4a>

Sent from my iPhone

# EXHIBIT A-28



# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**TY CLEVENGER,**

Plaintiff,

vs.

**U.S. DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF  
INVESTIGATION, and NATIONAL  
SECURITY AGENCY,**

Defendants

**Case No. 1:18-cv-1568-LB**

**DECLARATION**

My name is Edward Butowsky, I am greater than 18 years of age and competent to testify, and I do testify as follows under penalty of perjury under the laws of the United States, as witnessed by my signature below:

I am a resident of Texas, and the Plaintiff in the case identified above (*i.e.*, Ty Clevenger) is my attorney in several lawsuits that are related in one way or another to Seth Conrad Rich. I have publicly stated that Seth Conrad Rich and his brother, Aaron Rich, were responsible for leaking emails from the Democratic National Committee to Wikileaks. Aaron Rich has sued me for defamation on the grounds that my statements about him were false. Some commentators have speculated that Seth Rich was subsequently murdered because of his role in leaking the emails, but I do not know whether the murder was connected to the leak.

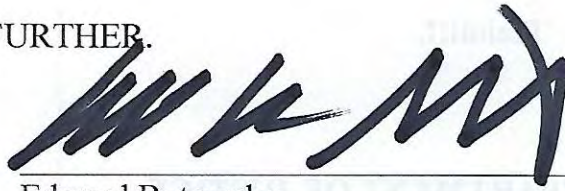
I have a number of friends who work in or have previously worked in various intelligence positions for the United States government. On or about April 28, 2017, I spoke with a friend who at that time worked in a high-level intelligence position for the executive branch. My friend told me he had personally viewed records that were downloaded from Seth Rich's electronic devices by the FBI's Computer Analysis and Response Team ("CART"). I have not revealed his name because he revealed the foregoing information in confidence.

JAN 5, 2017

On or about \_\_\_\_\_, I spoke with renowned journalist Seymour "Sy" Hersh, and I recorded the conversation. A true and correct recording of that conversation can be found at [https://www.youtube.com/watch?v=\\_VaQcglmZvY](https://www.youtube.com/watch?v=_VaQcglmZvY). In that recording, Mr. Hersh said that he too had confirmed that the FBI had documents pertaining to Seth Rich.

THE DECLARANT SAYS NOTHING FURTHER.

Date: September 16, 2019



Edward Butowsky

# EXHIBIT A-29

**From:** Ed Butowsky (ebutowsky@gmail.com)  
**Sent:** Saturday, May 20, 2017 10:51:31 AM  
**To:** Malia Zimmerman (maliamzimmerman@gmail.com); Ed Butowsky (ebutowsky@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: Seth Rich Story SHARE WITH ANYONE YOU THINK SHOULD GET THIS

We need to issue an accurate statement.

" we stand 100 % behind the story and when Mr.Wheeler said he was misquoted by Fox he was referencing the fox 5 washington story . Additionally Fox News will soon be supplementing the reporting with new information related to the FBI and the coverup.. Last point, the outrage from the family is coming directly from the DNC political PR team lead by Bauman.we still aren't sure why Mr.Bauman is blocking the Rich family from finding out who and why their son was killed "

---

**From:** Malia Zimmerman <maliamzimmerman@gmail.com>  
**Date:** Friday, May 19, 2017 at 3:43 PM  
**To:** Ed Butowsky <ebutowsky@gmail.com>  
**Subject:** Fwd: Seth Rich Story

From Refet

**From:** "Kaplan, Refet" <Refet.Kaplan@FOXNEWS.COM>  
**Date:** May 19, 2017 at 1:35:34 PM PDT  
**To:** "Zimmerman, Malia McLaughlin" <Malia.Zimmerman@FOXNEWS.COM>, "Wilson, Greg" <Greg.wilson@FOXNEWS.COM>  
**Subject:** RE: Seth Rich Story

Hey - did they not mention they were sending a cease and desist? We need the letter.

---

**From:** Jensen, Jessica  
**Sent:** Friday, May 19, 2017 4:29 PM  
**To:** Kaplan, Refet <Refet.Kaplan@FOXNEWS.COM>  
**Cc:** Shanahan, Carly <Carly.Shanahan@FOXNEWS.COM>; Wallace, Jay <jay.wallace@FOXNEWS.COM>; Briganti, Irena <Irena.Briganti@FOXNEWS.COM>  
**Subject:** RE: Seth Rich Story

Flagging that Rich family has sent a cease and desist order to Rod Wheeler.

BY ALEX SEITZ-WALD

<http://www.nbcnews.com/politics/justice-department/slain-dnc-staffer-s-family-orders-blabbing-detective-cease-desist-n762211>

---

**From:** Jensen, Jessica  
**Sent:** Friday, May 19, 2017 12:24 PM  
**To:** Kaplan, Refet  
**Cc:** Shanahan, Carly; Wallace, Jay; Briganti, Irena  
**Subject:** RE: Seth Rich Story

Hi Refet – please let us know as we have now received inquiries from Newsweek, New York Magazine and CNN have checked in following the Russian Embassy’s tweet. We look foolish as we haven’t issued any clarifications/corrections to our store despite Wheeler saying we misquoted him to other news outlets.

---

**From:** Kaplan, Refet  
**Sent:** Friday, May 19, 2017 10:58 AM  
**To:** Jensen, Jessica  
**Cc:** Shanahan, Carly  
**Subject:** RE: Seth Rich Story

We’re still waiting for the family to get back to us, and won’t have an update until they do. We’ll re-evaluate end of day if they still don’t answer.

---

**From:** Jensen, Jessica  
**Sent:** Friday, May 19, 2017 10:50 AM  
**To:** Kaplan, Refet <Refet.Kaplan@FOXNEWS.COM>  
**Cc:** Shanahan, Carly <Carly.Shanahan@FOXNEWS.COM>  
**Subject:** Seth Rich Story

Hi Refet – nice meeting you in person yesterday. Unfortunately, this has reared its head again as the Russian Embassy in the UK has now tweeted about the report. Do you have any update on whether

there will be a clarification/correction to the Seth Rich story? Did you decide whether you will be publishing an additional story?

Thanks,  
Jess

Jessica Jensen

Manager, Media Relations | FOX News Channel

O: 212.301.3531 | M: 917.435.7326

[Jessica.Jensen@FOXNews.com](mailto:Jessica.Jensen@FOXNews.com)

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# EXHIBIT A-30

**From:** Rod wheeler <rod@rodwheeler.com>  
**To:** ed butowsky <ebutowsky@gmail.com>, Larry Friedman <LFriedman@flawoffice.com>  
**Cc:** Rod wheeler <rod@rodwheeler.com>  
**Subject:** Response posted on Facebook  
**Date:** May 20, 2017 at 9:49:01 PM EDT

Ed, I just noticed "my response" posted on your Facebook page. Who was this response made to? I am unaware. When you, Malia and I talked on Friday I said I did not want to send a response to anyone until Larry (attorney) advised us further. Help me to understand when you can. Again, I never approved of this "response."

Thanks.  
Rod



**Ed Butowsky**  
5 hrs ·

Rod Wheeler's response - Friday, May 19, 1 pm Pacific

In the contract I have with the family, signed by Joel, Mary and Aaron Rich, I am not allowed to speak to the media on the family's behalf, but I could speak to the media about this investigation of Seth Rich's murder or other stories I was involved in. They knew I was a Fox News contributor and regularly went on television.

I called Joel Rich the night before the Fox News story was going to be published, which was Monday night. During that 18-minute call (phone logs provided), I reviewed the story with Joel Rich, he liked it and was encouraged by the new leads. Joel already knew about the story because Fox had contacted him earlier in the day. He also suggested I contact an investigative reporter, Michelle Sigona, from CrimeWatch Daily with the information. I also spoke with Aaron Rich, Joel's son, for 21 minutes the night before the story came out and told him about the new information that had emerged and the story that would likely be coming out in the near future.

I told them both I would be commenting on the case and asking people to come forward if they had insight on the new information. I never violated the terms of our contract as I never spoke on behalf of the family.

[illegible]

# EXHIBIT A-31

**From:** Ed Butowsky (ebutowsky@gmail.com)  
**Sent:** Sunday, February 25, 2018 11:35:37 PM  
**To:** James Lyons (jalyons@lionllc.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: WHY HAS FBI NOT EXPOSED SETH RICH-S SERVER AND MURDERS

Thx

Sent from my iPad

On Feb 25, 2018, at 7:22 PM, James Lyons <jalyons@lionllc.com> wrote:

That will be fine! Ace

Sent from my iPhone

On Feb 25, 2018, at 6:57 PM, ebutowsky@gmail.com wrote:

Tomorrow . Is that ok?

On Feb 25, 2018, at 3:51 PM, James Lyons <jalyons@lionllc.com> wrote:

Ed, when do expect to get the Oped too me? Ace

Sent from my iPhone

On Feb 24, 2018, at 6:02 PM, ebutowsky@gmail.com wrote:

I did receive the answer. Can I write something for you to submit?  
Obviously , you can edit and you can reject the entire thing.

On Feb 24, 2018, at 2:48 PM, James Lyons  
<jalyons@lionllc.com> wrote:

Ed, did you get my answer: 900 words! Ace

Sent from my iPhone

On Feb 24, 2018, at 9:47 AM,  
ebutowsky@gmail.com wrote:

Ace, how many words ?

On Feb 24, 2018, at 8:51 AM, James  
Lyons <jalyons@lionllc.com> wrote:

Great, will contact Ed! Ace

Sent from my iPhone

On Feb 24, 2018, at 8:42  
AM, Thomas McInerney  
<mcinerney3@me.com>  
wrote:

Ace

You should  
consider an OP  
ED titled **AG  
Sessions-Who  
Killed Seth  
Rich?**

**I have cc'd Ed  
Butowsky who  
has a great  
deal of info to  
support you.**

**Tom**

# EXHIBIT A-32



**From:** ed butowsky (ebutowsky@gmail.com)  
**Sent:** Thursday, June 7, 2018 6:36:51 AM  
**To:** Ace James Lyons, (jalyons@lionllc.com)  
**Cc:**  
**Bcc:**  
**Subject:** FW: Open Letter to Attorney General Jeff Sessions

---

**From:** Ed Butowsky <ebutowsky@gmail.com>  
**Date:** Monday, February 26, 2018 at 6:22 PM  
**To:** " Ace James Lyons," <jalyons@lionllc.com>, Ed Butowsky <ebutowsky@gmail.com>  
**Subject:** Open Letter to Attorney General Jeff Sessions

Open Letter to Attorney General Jeff Sessions:

Democratic National Committee Staffer Seth Rich was gunned down blocks from his home on July 10, 2016, and 20 months later, no one has been charged with this horrific crime. Even more bizarre, no law enforcement agency is even investigating the cold case.

Typically, police departments issue press releases with sketches, photos or video of suspects, asking for the public's help, but the DC Metro Police Department has remained secretive. Metro police were told by their "high ups " if they speak about the case, they will be terminated. Those "higher ups" were told by very senior officials at the time that if they spoke out about the case they would be immediately terminated. We have been told these orders came down from very highest up .. way beyond the DC Mayors office

Police detectives claim Seth Rich was a victim of a robbery, but why? After he was shot twice in the back, Seth Rich was still wearing a \$2,000 gold necklace and watch and his wallet, keys and phone remained in his possession. Robbery? There is no evidence. It is more probable that he was targeted, but why and by who?

Another bizarre twist is the FBI's denial that it's cyber experts who share space with DC Metro police assisted in accessing data on Seth Rich's laptop. Data on the laptop revealed Seth Rich downloaded thousands of DNC emails and was in touch with Wikileaks. The file with evidence of what was on the computer - emails transmitted to WikiLeaks - are at the FBI co -share space at the Metro police department on Cleveland Avenue. Why keep that a secret? Joel and Mary Rich have been lying through omission. They refuse to tell law enforcement what they know and what they told Ed Butowsky the first time they converged over the phone.

It is well known in intelligence circles that Seth Rich and his brother Aaron Rich downloaded and got paid for the DNC emails to Wikileaks. Why isn't Aaron Rich being investigated?

No one but the brothers know their reason for taking the emails, but what happened after Seth Rich's murder is odd. The DNC hired a "spokesperson" for the family to ward off any nosey reporters – so the DNC spent money to protect its organization, and not as reward money to find their staffer's killer.

Why would the Rich family agree to that? Brad Bauman is an attack dog, out to destroy anyone who implies that Seth Rich leaked the emails. His involvement prevents any media from really looking into their son's murder. But as the facts of this case emerge, it is obvious the family wouldn't admit to their son's involvement. Their living son, Aaron Rich, could be implicated criminally in the theft of the DNC emails, and Seth Rich would most certainly be disparaged for giving Wikileaks emails published July 22, 2016, 12 days after his murder, and led to a revolution at the DNC convention July 25.

Wikileaks doesn't expose sources, but Julian Assange gave clues during an Aug. 9, 2016, interview on Dutch television when he implied Seth Rich was killed because he was the WikiLeaks source of the DNC emails. Assange offered a \$20,000 reward leading to the arrest of Rich's killers.

Assange also offered information to the President's administration to prove Russia didn't hack the DNC server, as the DNC claimed. Assange also met with Orange County Rep. Dana Rohrabacher (R-Costa Mesa) and gave him information to present to Trump to prove no one hacked the DNC server, including Russia, but no one from the Trump administration, FBI or Attorney General's office would meet with Rohrabacher or Assange.

New Zealand tech expert Kim DotCom said he has proof that both he and Seth Rich were involved in getting those emails to Wikileaks. However, he's been ignored.

The FBI opened an investigation into the theft of the DNC emails July 2016. However, the FBI has not inspected the actual DNC server. The reason? The DNC won't give permission.

Former Secretary of Homeland Security and Obama appointee Jeh Johnson told a House Select committee his department offered assistance, however, their efforts were "rebuffed" by DNC leadership.

Instead, Perkins Coie, the law firm that represented the DNC and Hillary Clinton's campaign, retained cyber security company CrowdStrike, which claimed the DNC server was hacked by Russians. The FBI took the report from CrowdStrike as gospel, which allowed the DNC to use the FBI to fuel the fake Russian interference narrative against then candidate Donald Trump.

And one more unexplained twist. On July 10, 2016, the same day Seth Rich was murdered, an FBI agent's car was burglarized in the same vicinity. Included among the long list of FBI equipment stolen was a 40 caliber Glock 22. DC Metro police issued a press release, saying the theft occurred between 5 am and 7 am. Two weeks later, the FBI changed the time of the theft to 12 am to 2 am.

Wikileaks tip: The stolen FBI gun was used to shoot Seth Rich. However, neither the FBI nor the Metro police will discuss. The time change could be important. If the FBI firearm was used to shoot Seth Rich, the FBI changed the time of theft from after the murder to before.

Many unanswered questions: Who murdered a DNC employee, who stole the DNC emails, who sent them to Wikileaks, was an FBI weapon used to commit the murder?

With so much at stake, why won't Attorney General Jeff Session take a \$3 taxi ride to DC Metro and the FBI hub and get the answers himself?

Why not end the mystery, solve the case, and give the voting public the answers and the reassurance they deserve?

# EXHIBIT A-33

**From:** Ed Butowsky (ebutowsky@gmail.com)  
**Sent:** Monday, February 26, 2018 8:37:23 PM  
**To:** James Lyons (jalyons@lionllc.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: Open Letter to Attorney General Jeff Sessions

[www.debunkingrodwheelersclaims.com](http://www.debunkingrodwheelersclaims.com) is best sight to reference if asked or if you must reveal. It is Best to simply state "open source"

Sent from my iPad

On Feb 26, 2018, at 7:01 PM, James Lyons <jalyons@lionllc.com> wrote:

Excellent Ed; however, I have to make a few changes. Times will not print " open letters". I can easily get around that! However, how do I know all those details about the Seth Rich murder and the ban that has been placed on the Metro police? Is there some open source I can point to? Ace

Sent from my iPhone

On Feb 26, 2018, at 7:22 PM, ed butowsky <ebutowsky@gmail.com> wrote:

Open Letter to Attorney General Jeff Sessions:

Democratic National Committee Staffer Seth Rich was gunned down blocks from his home on July 10, 2016, and 20 months later, no one has been charged with this horrific crime. Even more bizarre, no law enforcement agency is even investigating the cold case.

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And one more unexplained twist. On July 10, 2016, the same day Seth Rich was murdered, an FBI agent's car was burglarized in the same vicinity. Included among the long list of FBI equipment stolen was a 40 caliber Glock 22. DC Metro police issued a press release, saying the theft occurred between 5 am and 7 am.

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With so much at stake, why won't Attorney General Jeff Session take a \$3 taxi ride to DC Metro and the FBI hub and get the answers himself?

Why not end the mystery, solve the case, and give the voting public the answers and the reassurance they deserve?

# EXHIBIT A-34



**From:** James A. Lyons, Jr (jalyons@lionllc.com)  
**Sent:** Wednesday, February 28, 2018 11:17:05 AM  
**To:** ed@chapwoodinvestments.com (ed@chapwoodinvestments.com)  
**Cc:**  
**Bcc:**  
**Subject:** Op-Ed

Ed,

I need you to look at the op-ed now. It will be submitted in the next 30 minutes.

All the Best  
Ace

James A. Lyons, Jr.  
Admiral, USN (ret)  
President/CEO

LION Associates, LLC  
Phone: 703-519-5600  
Fax: 703-519-5695

# EXHIBIT A-35

**From:** Jim Hoft (midwestjim@charter.net)  
**Sent:** Wednesday, February 13, 2019 9:53:26 PM  
**To:** ebutowsky@gmail.com (ebutowsky@gmail.com)  
**Cc:**  
**Bcc:**  
**Subject:** Re: Fwd: Flnal Version

Thanks Ed!

Am reaching out now.

Jim

On 2/13/2019 7:20 PM, ebutowsky@gmail.com wrote:

This proves with 100% certainty that the emails were download it to a thumb drive (Seth rich maybe) and had to have only come from someone downloading not from an outside source. Meaning the DNC server was not hacked for these emails that were sent to wikileaks.

Begin forwarded message:

**From:** Larry Johnson <lcjohnson1@me.com>  
**Date:** February 13, 2019 at 1:20:04 PM CST  
**To:** Ty Clevenger <tyclevenger@yahoo.com>  
**Cc:** Ed Butowsky <ebutowsky@gmail.com>  
**Subject:** Flnal Version

## WHY THE DNC WAS NOT HACKED BY THE RUSSIANS

By

William Binney

Larry Johnson

The FBI, CIA and NSA claim that the DNC emails published by WIKILEAKS on July 26, 2016 were obtained via a Russian hack, but more than three years after the alleged “hack” no forensic evidence has been product to support that claim. In fact, the available forensic evidence contradicts the official account that blames the leak of the DNC emails on a Russian internet “intrusion”. The existing evidence supports an alternative

If the Russians actually had conducted an internet based hack of the DNC computer network then the evidence of such an attack would have been collected and stored by the National Security Agency. The technical systems to accomplish this task have been in place since 2002. The NSA had an opportunity to make it clear that there was irrefutable proof of Russian meddling, particularly with regard to the DNC hack, when it signed on to the January 2017 “Intelligence Community Assessment,” regarding Russian interference in the 2016 Presidential election:

- We also assess Putin and the Russian Government aspired to help President-elect Trump’s election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him. All three agencies agree with this judgment. CIA and FBI have high confidence in this judgment; **NSA has moderate confidence.**

The phrase, “moderate confidence” is intelligence speak for “we have no hard evidence.” Thanks to the leaks by Edward Snowden, we know with certainty that the NSA had the capability to examine and analyze the DNC emails. NSA routinely “vacuumed up” email traffic transiting the U.S. using robust collection systems (whether or not anyone in the NSA chose to look for this data is another question). If those emails had been hijacked over the internet then NSA also would have been able to track the electronic path they traveled over the internet. This kind of data would allow the NSA to declare without reservation or caveat that the Russians were guilty. The NSA could admit to such a fact in an unclassified assessment without compromising sources and methods. Instead, the NSA only claimed to have moderate confidence in the judgement regarding Russian meddling. If the NSA had hard intelligence to support the judgement the conclusion would have been stated as “full confidence.”

We believe that Special Counsel Robert Mueller faces major embarrassment if he decides to pursue the indictment he filed--which accuses 12 Russian GRU military personnel and an entity identified as, Guccifer 2.0, for the DNC hack—because the available forensic evidence indicates the emails were copied onto a storage device.

According to a DOJ press release on the indictment of the Russians, Mueller declares that the emails were obtained via a “spearphishing” attack:

In 2016, officials in Unit 26165 began spearphishing volunteers and employees of the presidential campaign of Hillary Clinton, including the campaign’s chairman. Through that process, officials in this unit were able to steal the usernames and passwords for numerous individuals and use those credentials to steal email content and hack into other computers. **They also were able to hack** into the computer networks of the Democratic Congressional Campaign Committee (DCCC) and the Democratic National Committee (DNC) **through these spearphishing techniques to steal emails and documents**, covertly monitor the computer activity of dozens of employees, and implant hundreds of files of malicious computer code to steal passwords and maintain access to these networks.

The officials in Unit 26165 coordinated with officials in Unit 74455 to plan the release of the stolen documents for the purpose of interfering with the 2016 presidential election. Defendants registered the domain DCLeaks.com and later staged the release of thousands of stolen emails and documents through that website. On the website, defendants claimed to be “American hacktivists” and used Facebook accounts with fictitious names and Twitter accounts to promote the website. After public accusations that the Russian government was behind the hacking of DNC and DCCC computers, defendants created the fictitious persona Guccifer 2.0. On the evening of June 15, 2016 between 4:19PM and 4:56PM, defendants used their Moscow-based server to search for a series of English words and phrases that later appeared in Guccifer 2.0’s first blog post falsely claiming to be a lone Romanian hacker responsible for the hacks in the hopes of undermining the allegations of Russian involvement.

(<https://www.justice.gov/opa/pr/grand-jury-indicts-12-russian-intelligence-officers-hacking-offenses-related-2016-election>)

Notwithstanding the DOJ press release, an examination of the Wikileaks DNC files do not support the claim that the emails were obtained via spearphishing. Instead, the evidence clearly shows that the emails posted on the Wikileaks site were copied onto an electronic media, such as a CD-ROM or thumbdrive before they were posted at Wikileaks. The emails posted on Wikileaks were saved using the File Allocation Table (aka FAT) computer

An examination of the Wikileaks DNC files shows they were created on 23, 25 and 26 May respectively. The fact that they appear in a FAT system format indicates the data was transferred to a storage device, such as a thumb drive.

How do we know? The truth lies in the “last modified” time stamps on the Wikileaks files. Every single one of these time stamps end in even numbers. If you are not familiar with the FAT file system, you need to understand that when a date is stored under this system the data rounds the time to the nearest even numbered second.

We have examined 500 DNC email files stored on Wikileaks and all 500 files end in an even number—2, 4, 6, 8 or 0. If a system other than FAT had been used, there would have been an equal probability of the time stamp ending with an odd number. But that is not the case with the data stored on the Wikileaks site. All end with an even number.

The DNC emails are in 3 batches (times are GMT).

Date	Count	Min Time	Max Time	FAT	Min Id	Max Id
2016-05-23	10520	02:12:38	02:45:42	x	3800	14319
2016-05-25	11936	05:21:30	06:04:36	x	1	22456
2016-08-26	13357	14:11:36	20:06:04	x	22457	44053

The random probability that FAT was not used is 1 chance in 2 to the 500th power or approximately 1 chance in 10 to the 150th power - in other words, an infinitely high order.

This data alone does not prove that the emails were copied at the DNC headquarters. But it does show that the data/emails posted by Wikileaks did go through a storage device, like a thumbdrive, before Wikileaks posted the

This fact alone is enough to raise reasonable doubts about Mueller's indictment accusing 12 Russian soldiers as the culprits for the leak of the DNC emails to Wikileaks. A savvy defense attorney will argue, and rightly so, that someone copied the DNC files to a storage device (Eg., USB thumb drive) and transferred that to Wikileaks.

We also tested the hypothesis that Wikileaks could have manipulated the files to produce the FAT result by comparing the DNC email files with the Podesta emails (aka Larter file) that was released on 21 September 2016. The FAT file format is NOT present in the Podesta files. If Wikileaks employed a standard protocol for handling data/emails received from unknown sources we should expect the File structure of the DNC emails to match the file structure of the Podesta emails. The evidence shows otherwise.

There is further compelling technical evidence that undermines the claim that the DNC emails were downloaded over the internet as a result of a spearphising attack. Bill Binney, a former Technical Director of the National Security Agency, along with other former intelligence community experts, examined emails posted by Guccifer 2.0 and discovered that those emails could not have been downloaded over the internet as a result of a spearphising attack. It is a simple matter of mathematics and physics.

Shortly after Wikileaks announced it had the DNC emails, Guccifer 2.0 emerged on the public stage, claiming that "he" hacked the DNC and that he had the DNC emails. Guccifer 2.0 began in late June 2016 to publish documents as proof that "he" had hacked from the DNC.

Taking Guccifer 2.0 at face value—i.e., that his documents were obtained via an internet attack—Bill Binney conducted a forensic examination of the metadata contained in the posted documents based on internet connection speeds in the United States. This analysis showed that the highest transfer rate was 49.1 megabytes per second, which is much faster than possible from a remote online connection. The 49.1 megabytes speed coincides with **the download rate for a thumb drive.**

Binney, assisted by other colleagues with technical expertise, extended the examination and ran various tests forensic from the Netherlands, Albania, Belgrade and the UK. The fastest rate obtained -- from a data center in New Jersey to a data center in the UK--was 12 megabytes per second, which is less than a fourth of the rate necessary to transfer the data, as it was listed from Guccifer 2.

The findings from the examination of the Guccifer 2.0 data and the Wikileaks data does not prove who copied the information to a thumbdrive, but it does provide an empirical alternative explanation that undermines the Special Counsel's claim that the DNC was hacked. According to the forensic evidence for the Guccifer 2.0 data, the DNC emails were not taken by an internet spearphishing attack. The data breach was local. It was copied from the network.

There is other circumstantial evidence that buttresses the conclusion that the data breach was a local effort that copied data.

First there is the Top Secret information leaked by Edward Snowden. If the DNC emails had been hacked via spearphishing (as alleged by Mueller) then the data would have been captured by the NSA by means of the Upstream program (Fairview, Stormbrew, Blarney, Oakstar) and the forensic evidence would not modify times - the data would be presented as sent.

Second, we have the public reporting on the DNC and Crowdstrike, which provide a bizarre timeline for the alleged Russian hacking.

It was 29 April 2016, when the DNC claims it became aware its servers had been penetrated (see <https://medium.com/homefront-rising/dumbstruck-how-crowdstrike-conned-america-on-the-hack-of-the-dnc-ecfa522ff44f>). No claim yet about who was responsible.

According to CrowdStrike founder, Dimitri Alperovitch, his company first detected the Russians mucking around inside the DNC server on 6 May 2016. A CrowdStrike intelligence analyst reportedly told Alperovitch that:



Falcon had identified not one but two Russian intruders: Cozy Bear, a group CrowdStrike's experts believed was affiliated with the FSB, Russia's answer to the CIA; and Fancy Bear, which they had linked to the GRU, Russian military intelligence.

(<https://www.esquire.com/news-politics/a49902/the-russian-emigre-leading-the-fight-to-protect-america/>)

And what did CrowdStrike do about this? Nothing. According to Michael Isikoff, CrowdStrike claimed their inactivity was a deliberate plan to avoid alerting the Russians that they had been “discovered.” This is nonsense. If a security company detected a thief breaking into a house and stealing its contents, what sane company would counsel the client to do nothing in order to avoid alerting the thief? Utter nonsense.

We know from examining the Wikileaks data that the last message copied from the DNC network is dated Wed, 25 May 2016 08:48:35. No DNC emails were taken and released to Wikileaks after that date.

CrowdStrike waited until 10 June 2016 to take concrete steps to clean up the DNC network. Alperovitch told Esquire’s Vicky Ward that:

Ultimately, the teams decided it was necessary to replace the software on every computer at the DNC. Until the network was clean, secrecy was vital. On the afternoon of Friday, June 10, all DNC employees were instructed to leave their laptops in the office.

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Why does a cyber security company wait 45 days after allegedly uncovering a massive Russian attack on the DNC server to take concrete steps to safeguard the integrity of the information held on the server? This makes no sense.

A more plausible explanation is that it was discovered that emails had been downloaded from the server and copied onto a device like a thumbdrive. But the culprit had not yet been identified. We know one thing for certain—

CrowdStrike did not take steps to shutdown and repair the DNC network until 18 days after the last email was copied from the server.

The final curiosity is that the DNC never provided the FBI access to its servers in order for qualified FBI technicians to conduct a thorough forensic examination. If this had been a genuine internet hack, it would be very easy for the NSA to identify when the information was taken and the route it moved after being hacked from the server. The NSA had the technical collection systems in place to enable analysts to know the date and time of the messages. But that has not been done.

Taken together, these disparate data points combine to paint a picture that exonerates alleged Russian hackers and implicates persons within our law enforcement and intelligence community taking part in a campaign of misinformation, deceit and incompetence. It is not a pretty picture.

On Feb 12, 2019, at 6:12 PM, Ty Clevenger <[tyclevenger@yahoo.com](mailto:tyclevenger@yahoo.com)> wrote:

**I think it's great. I highlighted a couple of words ("date" and "data") that may have been interchanged, but everything else looks great.**

On Tuesday, February 12, 2019, 3:03:19 PM EST, Larry Johnson <[lcjohnson1@me.com](mailto:lcjohnson1@me.com)> wrote:

Wanted to keep you guys updated on the piece that is in draft. Please read and let me know your thoughts.

The FBI, CIA and NSA claim that the DNC emails published by WIKILEAKS on July 26, 2016 were obtained via a Russian hack, but they have provided no forensic evidence to support that claim. An examination of the forensic evidence directly undermines the claim of the intelligence/law enforcement community and supports the hypothesis that the files taken from the DNC on the 25<sup>th</sup> of May 2016 were copied onto a file storage device, such as a thumb drive. If the Russians actually had conducted an internet based hack of the DNC computer network then the evidence of such an attack would have been collected and stored by the National Security Agency. The technical systems to accomplish this task have been in place since 2002. It is worth noting the tepid endorsement that the NSA

gave with the judgement in the January 2017 "Intelligence Community Assessment," regarding Russian interference in the 2016 Presidential election:

- We also assess Putin and the Russian Government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him. All three agencies agree with this judgment. CIA and FBI have high confidence in this judgment; **NSA has moderate confidence.**

In light of the established capability of the NSA to collect corroborating evidence for this particular judgment, the phrase, "moderate confidence" is a clear indicator that the NSA had not examined any of the emails from the alleged DNC "hack" and linked them to Russian agents. Had they done so, there would be no doubt about Russian culpability. And the NSA could make such a declaratory judgment in an unclassified assessment without compromising sources and methods. This is the equivalent of the dog that did not bark.

We believe that Special Counsel Robert Mueller faces major embarrassment if he decides to pursue the indictment he filed, which names 12 Russian GRU military personnel and a person identified as, Guccifer 2.0, as the ones responsible for the DNC hack. According to a DOJ press release on the indictment, Mueller claims the emails were obtained via a "spearphishing" attack:

In 2016, officials in Unit 26165 began spearphishing volunteers and employees of the presidential campaign of Hillary Clinton, including the campaign's chairman. Through that process, officials in this unit were able to steal the usernames and passwords for numerous individuals and use those credentials to steal email content and hack into other computers. **They also were able to hack** into the computer networks of the Democratic Congressional Campaign Committee (DCCC) and the Democratic National Committee (DNC) **through these spearphishing techniques to steal emails and documents**, covertly monitor the

computer activity of dozens of employees, and implant hundreds of files of malicious computer code to steal passwords and maintain access to these networks.

The officials in Unit 26165 coordinated with officials in Unit 74455 to plan the release of the stolen documents for the purpose of interfering with the 2016 presidential election. Defendants registered the domain DCLeaks.com and later staged the release of thousands of stolen emails and documents through that website. On the website, defendants claimed to be “American hacktivists” and used Facebook accounts with fictitious names and Twitter accounts to promote the website. After public accusations that the Russian government was behind the hacking of DNC and DCCC computers, defendants created the fictitious persona Guccifer 2.0. On the evening of June 15, 2016 between 4:19PM and 4:56PM, defendants used their Moscow-based server to search for a series of English words and phrases that later appeared in Guccifer 2.0’s first blog post falsely claiming to be a lone Romanian hacker responsible for the hacks in the hopes of undermining the allegations of Russian involvement.

(<https://www.justice.gov/opa/pr/grand-jury-indicts-12-russian-intelligence-officers-hacking-offenses-related-2016-election>)

Notwithstanding the DOJ press release, an examination of the Wikileaks DNC files do not support the claim that the emails were obtained via spearphishing. Instead, the evidence clearly shows that the emails posted on the Wikileaks site were copied onto an electronic media, such as a CD-ROM or thumbdrive before they were posted at Wikileaks.

We have examined the Wikileaks DNC files, which were actually created on 23,25 and 26 May. In other words, those emails were copied on three different dates. Use of the FAT system indicates data transfer to a storage device, such as a thumb drive.

How do we know? The truth lies in the "last modified" time stamps on the Wikileaks files. Every single one of these time stamps end in even numbers. If you are not familiar with the FAT file system, you must understand that when date is stored under this system the data rounds the time to the nearest even numbered second.

We have examined 500 DNC email files stored on Wikileaks and all 500 files end in an even number—2, 4, 6, 8 or 0. If a system other than FAT had been used, there would have been an equal probability of the time stamp ending with an odd number. But that is not the case with the data stored on the Wikileaks site. All end with an even number.

The DNC emails are in 4 batches (times are GMT).

Date	Count	Min Time	Max Time	FAT	Min Id	Max Id
2016-05-23	10520	02:12:38	02:45:42	x	3800	14319
2016-05-25	11936	05:21:30	06:04:36	x	1	22456
2016-08-26	13357	14:11:36	20:06:04	x	22457	44053

The random probability that FAT was not used is 1 chance in 2 to the 500th power or approximately 1 chance in 10 to the 150th power - in other words, an infinitesimal of higher order.

This does not prove that the emails were copied at the DNC headquarters. But it does prove that the data/emails posted by Wikileaks did go through a storage device, like a thumbdrive, before Wikileaks posted the emails on the World Wide Web.

If Mueller tries to bring this case against the 12 Russian soldiers to Court,

he will need to provide evidence that the storage device was not connected to the DNC local network. Otherwise, the defense will argue, and rightly so, that someone copied the

DNC files to a storage device (e.g., USB thumb drive) and transferred that to Wikileaks.

We also tested the hypothesis that Wikileaks could have manipulated the files to produce the FAT result by comparing the DNC email files with the Podesta emails (aka Larter file) that was released on 21 September 2016. The FAT file format is NOT present in the Podesta files. If Wikileaks employed a standard protocol for handling data/emails received from unknown sources then it would be sensible to conclude that the File structure of the DNC emails matched the file structure of the Podesta emails.

But the evidence shows otherwise.

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The findings from the examination of the Guccifer 2.0 data and the Wikileaks data does not prove who was responsible for copying the information to a thumbdrive but it does refute the Special Counsel's claim that the DNC was hacked. It was not an internet spearphising attack. The data breach was local. It was copied from the network.

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Virus-free. [www.avg.com](http://www.avg.com)